



WEB COPY

WP(MD)NOS.16487 TO 16487 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)Nos.16484 to 16487 of 2021

and

WMP (MD) .Nos.13361 to 13364 of 2021

Balasubramanian

... Petitioner
in all Writ Petitions

Vs .

1.The Commissioner of Municipal Administration,
Office of the Commissioner of Municipal
Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai.

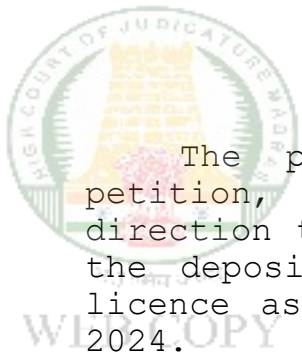
2.The Commissioner,
Tirunelveli Corporation,
Office of the Commissioner of Tirunelveli
Corporation,
S.N.High Road, Tirunelveli - 627 001.

3.The Assistant Commissioner,
Tirunelveli Corporation,
Office of the Commissioner of Tirunelveli
Corporation,
S.N.High Road, Tirunelveli - 627 001.

... Respondents in all Writ Petitions

Common Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus, to call for records connected with the impugned communication notice in ந.க.எண் .அ1/1959/2019 dated 20.07.2021 issued by the respondent No.3 and quash the same as illegal, consequently to direct the respondent No.3 to grant relaxation to the petitioner for deposited the tender amount and to extend the tender validity period from 2022 to 2024 by considering the petitioner's representation 15.06.2021 in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.R.Rajaselvan
in all W.P's	
For Respondents	: Mr.P.Subbaraj,
in all W.P's	Counsel for State for R1
	Mr.Aayiram K.Selvakumar for R2, R3



COMMON ORDER

The petitioner challenges separate notices, in each writ petition, of the third respondent and seeks a consequential direction to the third respondent to grant relaxation in respect of the deposit of the licence fee for the subsequent years of the licence as also to extend the validity period thereof from 2022-2024.

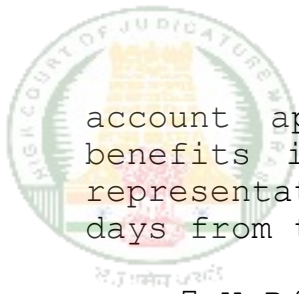
2.The common petitioner in each of these cases had submitted a bid in relation to a licence for the collection of fees for the operation and maintenance of toilets at the Tirunelveli Town Katchi Mandapam Toilet, Tirunelveli Town Fish Market, Tirunelveli Town Mount Road Toilet and Tirunelveli Town Chicken Market. Upon submission of such bid, the petitioner was the highest bidder, in each case, and was granted a licence. In respect of the first year of operation, the petitioner tendered the requisite amounts under the terms and conditions of such licences. Thereafter, on account of the lockdown imposed in relation to the second wave of the COVID-19 pandemic, the petitioner states that his income was adversely affected. In such circumstances, representations were submitted to the third respondent. In response thereto, the third respondent issued the impugned communication dated 20.07.2021. By such impugned communication, the petitioner was called upon to remit the amounts due and payable in terms of the relevant licence for the year 2021-2022 within three days from the date of receipt of the impugned notice. The present writ petitions are filed in these facts and circumstances.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.Aayiram K.Selvakumar, learned Standing Counsel, accepts notice on behalf of the Tirunelveli Corporation.

4.Learned Standing Counsel for the Tirunelveli Corporation submits that all other similarly placed licensees have remitted the requisite amounts for the year 2021-2022. As regards the COVID-19 pandemic, he submits that the Government has taken a policy decision with regard to the grant of extension in relation thereto. If the respective petitioner seeks relief in terms of such Government policy decision, the same would be considered.

5.The Tirunelveli Corporation is required to act in a transparent and non-discriminatory manner whereby all similarly situated persons are treated alike. Therefore, in matters of this kind, a policy decision should be taken and applied uniformly to an entire class of licensees. The request of the petitioner for relief in light of the COVID-19 pandemic should be viewed in that context.

6.Accordingly, without going into the merits of the petitioner's request, the second respondent is directed to consider the representation dated 15.06.2021 of the petitioner by taking into



account applicable Government orders relating to relaxation or benefits in light of the COVID-19 pandemic and dispose of such representation by a reasoned order within a period of thirty (30) days from the date of receipt of a copy of this order.

7.W.P(MD).No.16484 to 16487 of 2021 are disposed of on these terms without any order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

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/ /2021

Sub Assistant Registrar(CS)

To

1.The Commissioner of Municipal Administration,
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Office of the Commissioner of Tirunelveli
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+1 CC to M/s.SPL. GP (SR-29314[F] dated 16/09/2021)

W.P.(MD)Nos.16484 to 16487 of 2021

15.09.2021

RS (27.09.2021) 3P 5C