



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14736 of 2021

WEB COPY

New Bus Stand Shops Merchants Welfare Association,
represented by its Secretary,
S.P.Sathishkumar,
Shop No.18, New Bus Stand,
Pudukkottai.

... Petitioner

Vs.

The Commissioner,
Pudukkottai Municipality,
Pudukkottai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to waive the lease amount proportionate to the period covered under lockdown i.e, the for the period from 23.03.2020 to 31.08.2020 to the members of the petitioner's Association who are running the shops in new bus stand Pudukkottai.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For Respondent	:	Mr.P.Mahendran

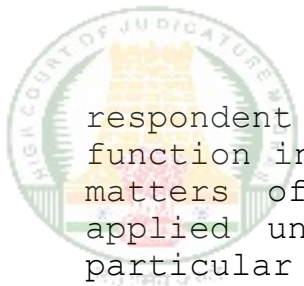
ORDER

The petitioner seeks a waiver of the lease rental for the lock down period during the first wave of the COVID-19 pandemic. The petition is filed on behalf of an Association, which is registered under the Tamil Nadu Societies Registration Act, 1975 and represents 65 members running shops in the new bus stand at Pudukkottai.

2. The petitioner states that there was a total ban on public transport and the operation of private buses from 23.03.2020. Consequently, the operations of the Pudukkottai bus stand came to a complete halt with the closure of the bus stand and the shops were also not permitted to be kept open. The request for waiver is made in such facts and circumstances.

3. Mr.P.Mahendran, learned standing counsel, accepts notice on behalf of the Pudukkottai Municipality. He submits that the petitioner's representation would be considered and disposed of on merits.

4. The COVID-19 pandemic is an unprecedented disaster, and is a once-in-a-century phenomenon. Lives and livelihoods have been affected on a massive scale on account of this pandemic. The



respondent is a statutory authority and is therefore required to function in a transparent and non-discriminatory manner. As such, in matters of this nature, a policy decision should be taken and applied uniformly so as to benefit all persons belonging to a particular class.

WEB COPY 5. Learned counsel for the petitioner has brought to my notice an earlier order of this Court dated 01.02.2021 in W.P.(MD). No.19596 of 2020, wherein the Court had concluded that the petitioner therein is entitled to a complete waiver for the lock down period.

6. As indicated above, these are policy decisions to be taken by the respondent albeit after taking note of the above observations.

7. Accordingly, without going into the merits of the matter, the respondent herein is directed to consider the petitioner's representation dated 12.04.2021 by taking into account the observations contained in this order and thereafter take a reasoned decision which should be applied uniformly to all persons constituting the relevant class. Such reasoned decision shall be taken within a period of two (2) months from the date of receipt of a copy of this order.

8. W.P.(MD).No.14736 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Commissioner, Pudukkottai Municipality, Pudukkottai.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-26815[F] dated19/08/2021)

W.P (MD) No.14736 of 2021

19.08.2021