



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17183 of 2021

T.Poonkodi

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Madurai-20.

2.The Assistant Director (Municipalities),
Office of Assistant Director,
District Collector Office,
Madurai-20.

3.The Executive Officer,
T.Kalluppatti Municipality Office,
T.Kalluppatti, Peraiyoor Taluk,
Madurai District.

... Respondents

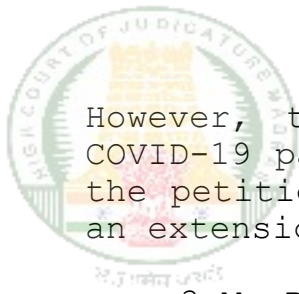
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to extend one year lease period by relaxing the lease period of 17 months from 23.04.2020 to 31.08.2021 due to the COVID-19 situation and permit to run the cycle stand at T.Kallupatti Municipality by paying land rent by considering the petitioner's representation dated 05.08.2021.

For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.P.Subbaraj,
Counsel for the State

ORDER

The petitioner seeks a direction to the third respondent to extend the licence in respect of the cycle stand at the T.Kalluppatti Municipality.

2.Pursuant to a public auction, the petitioner states that the licence for running the cycle stand at the above mentioned location was issued in favour of her husband. Her husband remitted a total sum of Rs.2,87,028/- (Rupees Two Lakhs Eighty Seven Thousand and Twenty Eight only) in connection with the grant of such licence. Thereafter, on 18.12.2018, the petitioner's husband died. After his death, the petitioner has continued to run the cycle stand by remitting the requisite monthly licence fee in such regard. The petitioner states that the three year licence ended on 31.08.2021.



However, transportation had been discontinued on account of the COVID-19 pandemic and the lock down occasioned thereby. Therefore, the petitioner was unable to derive income for many months. Hence, an extension is requested.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. On instructions, he submits that the petitioner has failed to remit the requisite licence fees and that there are arrears in respect thereof aggregating to Rs.6,12,632/- (Rupees Six Lakhs Twelve Thousand Six Hundred and Thirty Two only). In addition, he submits that the licence period of three years has admittedly expired. Without prejudice, he submits that the application for extension would be considered and disposed of on merits provided the petitioner tenders the amounts due and payable to the third respondent.

4.A defaulting licensee is not entitled to an extension of licence. Any licence is by nature revocable and, most certainly, may be revoked in the event of breach of the terms and conditions of such licence. However, considering the fact that the petitioner has been a licensee for more than three years, the petitioner is granted one final opportunity to remit the arrears of licence fee.

5.Accordingly, the petitioner is directed to remit the arrears of licence fee to the third respondent within a period of four (4) weeks from the date of receipt of a copy of this order. Subject to the fulfilment of such condition, the respondent herein is directed to consider the representation dated 05.08.2021 and dispose of the same by taking into account any policy decision in such regard which is applicable to similarly placed licensees. The said representation shall be disposed of within a period of two (2) months from the date of receipt of the amounts due and payable by the petitioner towards licence fee.

6.W.P.(MD).No.17183 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1.The District Collector,
District Collector Office,
Madurai-20.

2.The Assistant Director (Municipalities),
Office of Assistant Director,
District Collector Office,
Madurai-20.

3.The Executive Officer,
T.Kalluppatti Municipality Office,
T.Kalluppatti, Peraiyoor Taluk,
Madurai District.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-30177[F] dated 24/09/2021)

+1 CC to M/s.SPL.GP (SR-30306[F] dated 27/09/2021)

**W.P (MD) No.17183 of 2021
24.09.2021**

RS (04.10.2021) 3P 6C