



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17620 of 2021

WEB COPY

Aruldoss

Petitioner

Vs.

1. The State rep. by
The District Collector,
Collectorate,
Kanyakumari District,
Office at Nagarcoil.
2. The Assistant Director (Panchayat),
Office of the Assistant Director (Panchayat),
Nagercoil, Kanyakumari District.
3. The Block Development Officer,
Panchayat Union Office,
Thovalai, Kanyakumari District.
4. The President,
Thadikarankonam Village Panchayat,
Thadikarankonam,
Kanyakumari District.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the lease period up to 14.02.2021 based on the petitioner's representation dated 24.08.2021.

For Petitioner	: Mr.S.Krishnan
For Respondents	: Mr.K.S.Selva Ganesan,
1&2	Counsel for the State
R3 & 4	: Mr.A.Baskaran

O R D E R

The petitioner seeks a direction for the extension of the lease period up to 14.02.2021 based on his representation dated 24.08.2021.

2. The petitioner states that he was the successful bidder at a public auction conducted in respect of the daily market at Thadikarankonam Village. As the successful bidder, the petitioner remitted a sum of Rs.3,39,132/-. The lease/licence period was from 16.09.2020 to 15.09.2021. In terms thereof, the petitioner was authorised to collect rents/charges from the shops situated in



the market.

3. The petitioner states that he was adversely affected by the lockdown imposed in the wake of the COVID-19 pandemic. As a result thereof, the market remain closed for a considerable period. Therefore, he incurred losses and his revenue declined significantly. In these circumstances, he requested for an extension of the lease/licence period. The present writ petition is filed in this regard.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accept notice on behalf of respondents 1 and 2 and Mr.A.Baskaran, learned Standing Counsel, accepts notice on behalf of respondents 3 and 4.

5. The COVID-19 pandemic is an unprecedented once-in-a-century phenomenon. Consequently, it was certainly not reasonably foreseeable by anyone, including the petitioner herein. In response thereto, the State and local bodies may have taken a policy decision so as to consider request for extension in a non-discriminatory manner. If a policy decision had been taken in respect of persons such as the petitioner, the benefit of such policy decision may be extended to the petitioner. On this issue, it is relevant to indicate that the State should function in a transparent and non-discriminatory manner and, therefore, all persons similarly situated should be treated equally.

6. Subject to the above observations but without entering any findings on the merits of the matter, the fourth respondent is directed to consider the petitioner's representation dated 24.08.2021 and dispose of the same 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.17620 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The District Collector,
Collectorate,
Kanyakumari District,
Nagarcoil.

<https://hcservices.courts.gov.in/hcservices/>



2. The Assistant Director (Panchayat),
Office of the Assistant Director (Panchayat),
Nagercoil, Kanyakumari District.

3. The Block Development Officer,
Panchayat Union Office,
Thovalai, Kanyakumari District.

4. The President,
Thadikarankonam Village Panchayat,
Thadikarankonam,
Kanyakumari District.

+1 CC to M/s.A.BALAKRISHNAN, Advocate (SR-30933[F] dated 01/10/2021

+1 CC to M/s.SPL.GP (SR-31019[F],SR-30868[F] dated 04/10/2021)

W.P. (MD) No.17620 of 2021
30.09.2021

SRR(CO)
KB(11.10.2021) 3P 7C