



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.19117 of 2021

K.Ramanathan

... Petitioner

Vs.

1.The Commissioner,
Theni - Allinagaram Municipality,
Theni - 625 531.

2.The Director,
Municipal Administration,
State of Tamil Nadu,
Ezhilagam,
Chennai.

3.The Principal Secretary,
Municipal Administration and Water Supply,
Secretariat,
Chennai - 600 009.

... Respondents

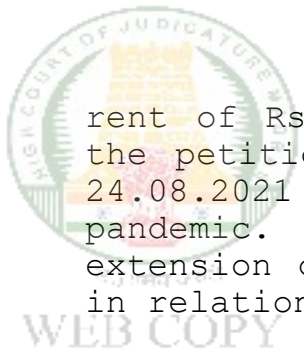
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to consider the requisition of the petitioner dated 25.08.2021, pass an appropriate order on the said requisition.

For Petitioner : Mr.T.Selvan
For R-1 : Mr.Hema Karthikeyan
For R-2 and R-3 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks consideration of a request for extension of the lease or licence which was granted to him by the first respondent.

2. The petitioner was the highest bidder at an auction in respect of operating a lodge at Kamarajar Bus Stand, Theni District. The petitioner states that he was required to remit a full year's rent in advance. Accordingly, a sum of Rs.10,09,069/- (Rupees Ten Lakhs Nine Thousand and Sixty Nine only) was remitted for the year 2018-2019 and sum of Rs.8,75,366/- (Rupees Eight Lakhs Seventy Five Thousand Three Hundred and Sixty Six only) for the year 2019-2020. As regards the year 2020-2021, a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) was remitted. In spite of remitting the full year's



rent of Rs.9,00,000/- (Rupees Nine Lakhs only), it is stated that the petitioner was unable to run the lodge between 25.03.2020 and 24.08.2021 on account of the lockdown in the wake of the COVID-19 pandemic. Therefore, the petitioner made a request for the extension of the lease period. The present Writ Petition is filed in relation thereto.

3. Mr.Hema Karthikeyan, learned Standing Counsel, accepts notice on behalf of the first respondent. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the second and third respondents. Mr.Hema Karthikeyan submits that the request of the petitioner has been sent to the Municipality by the Government and that the Municipality would consider and dispose of the same within a reasonable time frame.

4. The COVID-19 pandemic is an unprecedented once-in-a-century phenomenon. In the context of a lodge owned by a local body, unless the licensee or lessee of the lodge is permitted to run the said lodge, he does not derive any revenue therefrom in spite of paying the rent in relation thereto in advance. Thus, the local body is enforcing the licensee's obligation of payment of rent without fulfilling the prior obligation of permitting the licensee or lessee to make use of the licensed or leased premises. However, a caveat should be lodged in respect of the above statement. While the petitioner asserts that the lockdown period was between 25.03.2020 and 24.08.2021, the actual period of lockdown should be taken into account by the first respondent and the State. The first respondent should also bear in mind that any decision should be applied in a non-discriminatory manner to all persons who are similarly situated.

5. Subject to the above observations, the first respondent is directed to consider the petitioner's representation dated 25.08.2021 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.

6. Accordingly, W.P.(MD).No.19177 of 2021 stands disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar(Writs)

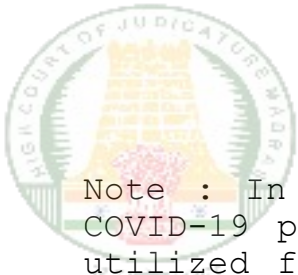
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/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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



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 Commissioner,
Theni - Allinagaram Municipality,
Theni - 625 531.

2.The Director,
Municipal Administration,
State of Tamil Nadu,
Ezhilagam,
Chennai.

3.The Principal Secretary,
Municipal Administration and Water Supply,
Secretariat,
Chennai - 600 009.

+1 CC to M/s.SPL.GP (SR-33186[F] dated 29/10/2021)

tsg/nsr
W.P. (MD) .No.19117 of 2021
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TR/PM(16.11.2021) 3P 5C