



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.19973 of 2020

and

W.M.P (MD) .Nos.16633& 16635 of 2020

N.Rathinakumar

... Petitioner

Vs.

1.The District Collector,
Viruthunagar District,
Viruthunagar.

2.The Commissioner,
Viruthunagar Municipality,
Viruthunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Notification in Na.Ka.No.04477/2020/~~91~~ dated 09.12.2020 passed by the 2nd respondent and quash the same and consequently direct the respondents to extend the period of 8 months from the date 31.03.2021 to 30.11.2021 in the alternative to refund of the auction amount for the period of lock down based on the representation of the petitioner dated 24.12.2020.

For Petitioner : Mr.S.Sivaprakash

For Respondent No.1 : Mr.R.Suresh Kumar
Government Advocate

For Respondent No.2 : Mr.N.Dilip Kumar

ORDER

This writ petition has been filed challenging the impugned tender notification issued by the second respondent and for a consequential direction to extend the license period granted to the petitioner.

2. When the matter came up for admission on 17.04.2021, this Court after hearing either side, passed the following order:

"The learned counsel for the petitioner submitted that the licence has already been granted in favour of the third party upto the year 2023. Therefore, the main relief sought for in the writ petition no longer survives. The learned counsel

http://hcservices.ecourts.gov.in/hcservices/ further submitted that the petitioner was not able to



do the business for more than eight months and therefore, the respondent must atleast consider the refund of the licence amount paid by the petitioner for this period.

2.This writ petition is entertained only for this limited relief sought for by the petitioner.

3.Mr.K.P.Narayanakumar, learned Special Government Pleader takes notice for the first respondent. Notice to the second respondent returnable by 21.06.2021. Private notice is also permitted."

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner has suffered huge loss since he was not able to collect any fees due to the lock down. Therefore, the learned counsel submitted that a direction can be issued to the second respondent to consider the request of the petitioner seeking for refund of the license amount.

4. Heard Mr.S.Sivaprakash, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Government Advocate appearing for the first respondent and Mr.N.Dilip Kumar, learned counsel appearing for the second respondent.

5. Taking into consideration the facts and circumstances of the case and the nature of relief that has been sought for by the petitioner, there shall be a direction to the petitioner to make a fresh representation to the second respondent seeking for the refund of the license fee by giving the correct particulars and the second respondent shall consider the same on its own merits and in accordance with law and take a decision within a period of four weeks from the date of receipt of the representation from the petitioner.

6. This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

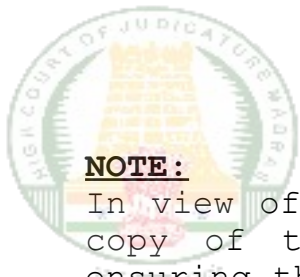
Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL



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,
Viruthunagar District,
Viruthunagar.

2.The Commissioner,
Viruthunagar Municipality,
Viruthunagar.

+1 CC to M/s.SPL GP (SR-22952[F] dated 16/07/2021)

W.P. (MD) .No.19973 of 2020
15.07.2021

RD(23.07.2021) 3P 4C