



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.4625, 1606, 1609, 1611, 1614, 1797, 1800, 1801,
1802, 1942, 1945, 1955, 1962, 2051. 2056,
2059, 2064, 2063, 2067, 2072, 2075, 6223,
6227, 6630 and 6638 of 2021

and

W.M.P.Nos.1812, 1815, 1820, 1825, 2006, 2007, 2009, 2011,
2199, 2200, 2204, 2206, 2216, 2217, 2222, 2325,
2330, 2334, 2336, 2337, 2342, 2347, 2352, 5266
6837, 6838, 7189, 7190 and 7195 of 2021

C.SELVI	... PETITIONER in WP No.4625 of 2021
S.SIRAJUDEEN	... PETITIONER in WP No.1606 of 2021
K.A.PONNUSAMY	... PETITIONER in WP No.1609 of 2021
N.BAMA	... PETITIONER in WP No.1611 of 2021
K.C.MURUGASAMY	... PETITIONER in WP No.1614 of 2021
K.C.MURUGASAMY	... PETITIONER in WP No.1797 of 2021
T.THANGARAJ	... PETITIONER in WP No.1800 of 2021
K.N.MUTHUSAMY	... PETITIONER in WP No.1801 of 2021
K.N.MUTHUSAMY	... PETITIONER in WP No.1802 of 2021
NOORJAHAN	... PETITIONER in WP No.1942 of 2021
G.M.MOHAMAD IQBAL	... PETITIONER in WP No.1945 of 2021
R.CHINNASAMY	... PETITIONER in WP No.1955 of 2021
M.HABIB MOHAMMED	... PETITIONER in WP No.1962 of 2021
K.NAZAR	... PETITIONER in WP No.2051 of 2021
K.NAZAR	... PETITIONER in WP No.2056 of 2021
P.DHANDAPANI	... PETITIONER in WP No.2059 of 2021



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G.M.MOHAMMED IQBAL

S.JOTHI

C.RAMACHANDRAN

C.RAMACHANDRAN

C.RAMACHANDRAN

G.P.SENTHIL KUMAR

G.P.SHAKTHIVEL

M.SUBBULAKSHMI

K.VIJAYAKUMAR

... PETITIONER in WP No.2064 of 2021

... PETITIONER in WP No.2063 of 2021

... PETITIONER in WP No.2067 of 2021

... PETITIONER in WP No.2072 of 2021

... PETITIONER in WP No.2075 of 2021

... PETITIONER in WP No.6223 of 2021

... PETITIONER in WP No.6227 of 2021

... PETITIONER in WP No.6630 of 2021

... PETITIONER in WP No.6638 of 2021

Vs

1. THE COMMISSIONER,
GOPICHETTIPALAYAM MUNICIPALITY.

2. THE ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT OF TAMIL NADU,
MUNICIPAL ADMINISTRATION AND
WATER SUPPLY (M.A.IV) DEPARTMENT,
CHENNAI - 600 009.

...RESPONDENTS IN ALL WP'S

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 05.01.2021 issued by the 1st respondent demanding the arrears of rent of Rs.1,15,885/- for the period June 2020 to December 2020 for the petitioner's Shop No.15 at the New Bus Stand MUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioner's representation dated 21.12.2020.

WP No.1606 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice No. 959 dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/-for the period June 2020 to December 2020 for petitioners shop No.9 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1609 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid



Mandamus, to call for the records pertaining to the impugned demand notice No. 961 dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/-for the period June 2020 to December 2020 for petitioners shop No.11 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1611 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice No.576 dated 17.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/-for the period June 2020 to December 2020 for petitioners shop No.16 at New Bus stand IUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1614 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice No.894 dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs.75992/-for the period June 2020 to December 2020 for petitioners shop No.10 at New Bus stand MUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1797 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to Call for the records pertaining to the impugned demand notice dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs.75,992/- for the period June 2020 to December 2020 for petitioners Shop No.9 at new Bus Stand MUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1800 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to Call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/- for the period June 2020 to December 2020 for petitioners Shop No.10 at new Bus Stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1801 of 2021: Writ Petition filed under Article 226 of



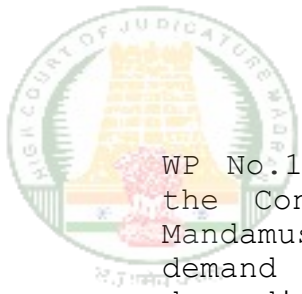
the Constitution of India to issue a Writ of Certiorarifiid Mandamus, to Call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs.57,946/- for the period June 2020 to December 2020 for petitioners Shop No.2 at new Bus Stand IUDF, Gobichettipalayam,Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1802 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifiid Mandamus, to Call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs.57,946/- for the period June 2020 to December 2020 for petitioners Shop No.1 at new Bus Stand IUDF, Gobichettipalayam,Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1942 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifiid Mandamus, to call for the records pertaining to the impugned demand notice dated 20.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 16,520/- for the period June 2020 to December 2020 for petitioners telephone booth at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1945 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifiid Mandamus, to call for the records pertaining to the impugned demand notice dated 17.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 65,541/- for the period June 2020 to December 2020 for petitioners shop No.13 at New Bus stand IUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.1955 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifiid Mandamus, to call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 49,560/- for the period June 2020 to December 2020 for petitioners shop No.8 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.



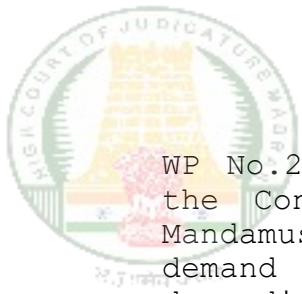
WP No.1962 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs. 49,560/- for the period June 2020 to December 2020 for petitioners shop No.3 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2051 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 77,889/- for the period June 2020 to December 2020 for petitioners shop No. 14 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2056 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 78,841/- for the period June 2020 to December 2020 for petitioners shop No. 15 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2059 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 56,994/- for the period June 2020 to December 2020 for petitioners shop No. 7 at New Bus stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2064 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 17.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 65,541 /- for the period June 2020 to December 2020 for petitioners shop No. 13 at New Bus stand IUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.



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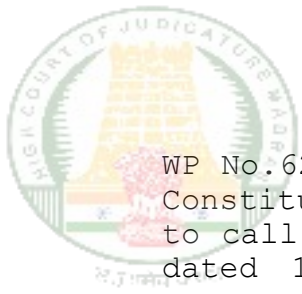
WP No.2063 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs.65,541/- for the period June 2020 to December 2020 for petitioners Shop No.22 at New Bus Stand IUUF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2067 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/- for the period June 2020 to December 2020 for petitioners Shop No.6 at New Bus Stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2072 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/- for the period June 2020 to December 2020 for petitioners Shop No.5 at New Bus Stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.2075 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to Call for the records pertaining to the impugned demand notice dated 5.1.2021 issued by the 1st respondent demanding the arrears of rent of Rs.56,994/- for the period June 2020 to December 2020 for petitioners Shop No.4 at New Bus Stand TNUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 21.12.2020.

WP No.6223 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 18.12.2020 issued by the 1st Respondent demanding the arrears of rent of Rs.65,072/- for the period June 2020 to December 2020 for petitioners shop No.21, at New Bus stand IUUF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 15.12.2020.



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WP No.6227 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 17.12.2020 issued by the 1st Respondent demanding the arrears of rent of Rs.65,072/- for the period June 2020 to December 2020 for petitioners shop No.20, at New Bus stand IUDF, Gobichettipalayam, Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 15.12.2020.

WP No.6630 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 17.12.2020 issued by the 1st respondent demanding the arrears of rent of Rs. 56,994/- for the period June 2020 to December 2020 for petitioners shop No.17, at New Bus stand IUDF, Gobichettipalayam , Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 15.12.2020.

WP No.6638 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifid Mandamus, to call for the records pertaining to the impugned demand notice dated 05.01.2021 issued by the 1st respondent demanding the arrears of rent of Rs37,996 /- for the period June 2020 to December 2020 for petitioners Small shop, at New Bus stand MUUF, Gobichettipalayam , Erode District and quash the same and consequently direct the respondents to waive the same by considering the petitioners representation dated 20.12.2020.

For Petitioner

in all W.Ps : Mr.M.Karthik

For Respondents

in all W.Ps

For R1 : Mr.B.Anand

Standing Counsel in All WPs

For R2 : Ms.V.Yamunadevi

Special Government Pleader in All WPs

COMMON ORDER

The writs on hand have been instituted challenging the demand notices issued by the first respondent demanding arrears of rent for the petitioners' Shop at the New Bus Stand TNUDF Gobichettipalayam, Erode District and quash the same and direct the respondents to waive the same by considering the petitioners' representation.

2.The petitioners were the lessees in respect of the shops and lease was granted by the first respondent for running the shops for several years. Lease deed was executed and the



petitioners were paying the monthly rent to the Gobichettipalayam Municipality. The petitioners state that the Government considered the Covid-19 loss occurred for the traders and issued G.O.(D).No.298 Municipal Administration and Water Supply (MA IV) dated 02.09.2020 and thereby waived the rent for all the municipal shops for the period from 01.04.2020 to 31.05.2020 including the petitioners' shop leased out to the petitioners.

3.The learned counsel for the petitioners, made a submission that since the pandemic was continuing the benefit of the waiver is also to be extended from June 2020 to December 2020. In other words the petitioners seek waiver of rent for the whole year.

4.The learned Standing Counsel for the first respondent, Municipality made a submission that the waiver of rent was granted for two months by the Government and accordingly, the said benefit was extended to the petitioners and other eligible persons. Further waiver cannot be granted as the Government has not taken any such policy decision, thus the writ petitions are liable to be rejected.

5.Admittedly, the petitioners were running the shops based on the lease and as per the terms and conditions of the lease deed, the petitioners have to pay the rent on monthly basis. No doubt the Covid-19 pandemic caused greater financial loss and other implications in respect of all the citizens, including traders. Many people suffered on account of Covid-19 situation and the Government also is extending benefits then and there by taking a policy decision. As per the lease conditions the petitioners are bound to pay the rent and the waiver as a concession by the Government. Thus, the concession can never be claimed as a matter of right by the lessee. Concessions are granted by the Government on account of Pandemic and therefore, such concession cannot be extended by filing a writ petition before the High Court, under Article 226 of the Constitution of India. Courts are not empowered to create a policy, more specifically, for grant of waiver of rent which is otherwise in accordance with the conditions of lease between the parties. It is a contractual obligation and writ itself is not entertained. Waiver is a concession and thus the petitioners have to approach the Government if at all any such concession is required.

6.The petitioners submitted representations and even the said representations cannot be directed to be considered by this Court as even for issuing such a direction, the petitioners have to establish a right and the absence of establishing any right, the High Court would not be in a position to issue any such direction to the Government. Thus the petitioners cannot claim waiver of rent as a matter of right and if at all a concession is to be granted any further, the Government has to take a



policy decision and the petitioners are at liberty to approach the Government but certainly not a writ petition before the High Court.

7. Further, the writ petitions are filed challenging the demand notice. Demand notices are issued based on the terms and conditions of the lease. If at all the petitioners raise any objection or seeking further concession, the petitioners have to approach the Government by way of representation. In these cases, the petitioners approached the Government, therefore, it is left open to the Government to take a policy decision by the Government. However, the Courts cannot frame any such policy decision or direct the Government to grant such waiver of rent as it involves financial implications and granting of waiver in large scale would cause loss of revenue to the State and therefore, the petitioners are not entitled for any relief as such sought for in the present writ petitions.

8. With the above observations, the writ petitions stand dismissed. Consequently connected writ miscellaneous petitions are also closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Gopichettipalayam Municipality.
2. The Additional Chief Secretary
to Government of Tamil Nadu,
Municipal Administration and
Water Supply (M.A.IV) Department,
Chennai - 600 009.

+lcc to Mr.A.S.Thambuswamy for Mr.B.Anand SC for R1 , Advocate,
S.R.No.4592

+lcc to the Government Pleader, S.R.No.5223

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BR (CO)
SB(22/02/2022)