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W.P.No.5336 of 2022



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.09.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**W.P.No.5336 of 2022**

Meganathan

...

Petitioner

*versus*

The Vellore Municipal Corporation,  
Represented by its Assistant Commissioner,  
Vellore, Zone-II,  
Vellore District.

...

Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records on the file of the respondent dated 23.02.2021 in reference No.Na.Ka.27579/A1/M2 and quash the same.

For Petitioner : M/s.T.Nithya

For Respondent : Mr.J.Ravindran  
Additional Advocate General  
Assisted by M/s.P.Shanthi  
Standing Counsel for Vellore Corporation



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**ORDER**

This Writ Petition is filed for issuance of writ of certiorari to quash the impugned order dated 23.02.2021 passed by the respondent.

2. The brief facts that are necessary for the disposal of this Writ Petition are as follows. The petitioner was given a license to collect toll fee for all the vehicles which enters into Nethaji market. The license was given to the petitioner for a period from 01.10.2018 to 31.03.2020. It is admitted that the license was extended by the Municipality for a further period from 01.04.2020 to 30.09.2020 upon the petitioner paying a sum of Rs.49,54,725/-.

3. It is the case of the petitioner that due to covid-19 pandemic, for a period from 24.03.2020 to 06.09.2020 the entire market was closed. Since the petitioner was unable to exploit the license for a period of nearly six months and no one was given permission to enter into the market area, the petitioner claims remission of amount payable by way of license fees.



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4. It is admitted by the petitioner that the respondent Municipality granted remission for two months. By communication dated 23.02.2021, the petitioner was informed that the remission of two months license fee has been given to the petitioner on account of closure of market due to covid-19. After deducting the license fee for a period of two months, the petitioner was directed to pay balance of Rs.71,62,588/- taking into account the payment already made by the petitioner towards the license fee. This order is challenged before this Court mainly on the ground that the demand is arbitrary as the petitioner was unable to collect any license fee nearly for a period of six months due to covid-19.

5. Learned counsel for the petitioner states that the petitioner is prepared to pay some amount out of the total demand.

6. Taking note of the fact that the respondent has already given remission for two months and the petitioner may not be entitled to seek remission beyond further period of two months, this Court is inclined to **dispose of** this writ petition with the following directions:-



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[i] The petitioner is directed to remit a sum of Rs.40,00,000/- [Rupees Forty Lakhs only] within a period of three weeks from the date of receipt of a copy of this order;

[ii] In the meanwhile, the petitioner shall submit a representation to the respondent for further remission;

[iii] This Court undertakes the submission of the learned counsel for the petitioner that the petitioner will pay the balance depends upon the order that may be passed by the respondent on the representation of the petitioner.

[iv] After remitting a sum of Rs.40,00,000/- as directed above, the respondent shall consider the representation and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the petitioner after taking into consideration the



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extension of lease and the remission already given, within a period of eight (8) weeks thereafter.

No costs.

**21.09.2022**

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

**Note : Issue Order Copy on 23.09.2022**

sri

To

The Vellore Municipal Corporation,  
Represented by its Assistant Commissioner,  
Vellore, Zone-II,  
Vellore District.



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**S.S.SUNDAR, J.**

sri

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**21.09.2022**

**(1/2)**



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**S.S.SUNDAR.J.**

This matter is listed today under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that the name of the Senior Counsel M/s.R.Vimal, who was also present on the date of argument, is not mentioned in the order dated 21.09.2022. Hence, she prays for suitable directions.

3. In view of the submission made by the learned counsel for the petitioner, the Registry is directed to print the name of the Senior Counsel M/s.R.Vimal in the order dated 21.09.2022 along with the name of the counsel M/s.T.Nithya and issue order copy fresh.

17.10.2022

raja



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**S.S.SUNDAR.J.**

raja

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17.10.2022  
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