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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5825 of 2021
and W.M.P.No.6405 of 2021

E.T.Srinivasan

... Petitioner

Vs

1.The Commissioner,
The Department of Municipal Administration
11th Floor, Urban Administrative Building,
Santhome High Road, MRC Nagar,
R.A. Puram, Chennai.

2.The District Collector/
The Inspector of Town Panchayat,
Tirupur District,
Tirupur.

3.The Executive Officer,
Kannivadi Town Panchayat,
Tiruppur District,
Tiruppur.

... Respondents

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 auction notice of the 3rd respondent in Na.Ka.No.05/2021 dated 25.01.2021 and quash the same and subsequently directing the respondent to extend the non-operation period of 200 days [15.03.2020 to 31.09.2020] or refund the License amount for non-operation for the year 2020/2021 the deposit amount of Rs.3 lakhs.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents

R1 & R2 : Mr.V.Manoharan
Additional Government Pleader

R3 : Mr.K.S.Suresh



ORDER

The tender notification dated 25.01.2021 is under challenge in the present writ petition.

2. The petitioner states that he participated in the auction conducted on 22.02.2018 and declared as the highest bidder. The petitioner deposited the bid amount and license for a period of three years was granted from 2018 to 2021 by the third respondent Town Panchayat. The grievances of the writ petitioner is that during Covid-19 period, the Government announced lock down and therefore, the petitioner could not able to collect toll charges as per the license conditions. The petitioner made several representations seeking extension of license and to grant waiver of lease amount. However, without considering the representation of the petitioner, the respondents issued the tender notification in respect of collection of toll charges.

3. Admittedly, the license period expired. The petitioner submitted a representation to consider his case for extension of license and to grant waiver of rent in view of pandemic situation.

4. This Court is of the considered opinion that the Government granted two months waiver of rent in respect of such lessees/licensees in G.O.(D).No.298 Municipal Administration and Water Supply (MA IV) departed dated 02.09.2020 and concession granted by the Government cannot be extended by the High Court as it involves huge monetary implications for the State Exchequer. Thus, if any grievances exist, the petitioner has to approach the competent authorities and the Courts cannot interfere with such policy decision.

5.The pandemic situation caused many difficulties to several citizens of this great Nation. It was an extraordinary situation where the people suffered and therefore, everyone of our Country may have grievances on account of pandemic situation and more specifically, during lock down period. Several youth of this Country lost their job and even they were struggling for their livelihood. Even as per the statistics more than 3½ Crores people lost their job. Many small industries sustained huge monetary loss and even now they are struggling to restore the position. When the general lock down and Covid-19 caused disastrous consequences to the whole world, the case of the petitioner alone cannot be considered as a special case.



However, the Government took note of all these factors and grating concessions to the needy people and in the present case, the Government granted two months waiver of rent/license amount to all such persons across the State of Tamil Nadu.

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6. Under these circumstances, the Court cannot grant any waiver or extension of period. As far as the impugned tender notification is concerned, it was issued on 25.01.2021 and already one year lapsed. The license terms and conditions were agreed between the petitioner and the third respondent. Thus, the Court cannot interfere with the contractual obligations between the parties. Once the period of license expired, the extension of period cannot be claimed as a matter of right and the authorities in the present case had issued the tender notification and therefore, the petitioner will get an opportunity to participate in the auction if he is otherwise eligible. This being the scope, the relief as such sought for in the present writ petition deserves no merit consideration.

7. Accordingly, the writ petition stands dismissed. No costs. It is made clear that the petitioner is entitled to get waiver of rent/license fee/lease amount for two months, if eligible as per the Government Order passed in G.O.(D).No.298 Municipal Administration and Water Supply (MA IV) departed dated 02.09.2020. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

cse
To

1. The Commissioner,
The Department of Municipal Administration
11th Floor, Urban Administrative Building,
Santhome High Road, MRC Nagar,
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2. The District Collector/
The Inspector of Town Panchayat,
Tirupur District,
Tirupur.



3.The Executive Officer,
Kannivadi Town Panchayat,
Tiruppur District,
Tiruppur.

+1cc to the Government Pleader Sr.7530

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