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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4224 of 2021

S.Ilavarasan

...Petitioner

Vs

1.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
M.R.C. Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2.The Commissioner,
Thiruvallur Municipality,
Thiruvallur District.

3.The Revenue Inspector,
Thiruvallur Municipality,
Thiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to waive the lease amount for the period from 01.06.2020 to 30.11.2020 for the in-operated period of Public Toilet of the 2nd respondent Municipality based on the Petitioner's representation dated 21.01.2021 forthwith.

For Petitioner : Mr.R.Sasikumar

For R1 and R3 : Mrs.V.Yamuna Devi
Special Government Pleader

For R2 : Mr.P.Srinivas

ORDER

The relief sought for in the present writ petition is to direct the respondents to waive the lease amount for the period



from 01.06.2020 to 30.11.2020 for the in-operated period of Public Toilet of the 2nd respondent Municipality based on the Petitioner's representation dated 21.01.2021 forthwith.

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2.The petitioner participated in the tender and declared as a successful bidder and consequently permission was granted to collect charges of Public Toilet for the period 15.02.2020 to 14.02.2021. The period of lease admittedly expired. The grievances of the writ petitioner is that during the pandemic period and more specifically, when lockdowns were announced, the petitioner was unable to collect charges and therefore, the waiver of lease amount is to be granted till November 2020.

3.This Court is of the considered opinion that the license/permission was granted based on terms and conditions agreed between the parties. Admittedly, the period of license expired. The Government considered the pandemic situation and granted waiver of two months rent to all the lessees/licensees in G.O.(D).No.298 Municipal Administration and Water Supply (MA IV) Department dated 02.09.2020. As per the said Government Order, the benefit has already been granted to the petitioner. Grant of further concession would not arise and the Court cannot extend the period of lease or grant further concession in view of the fact that the terms and conditions are contractual obligations between the parties.

4.Admittedly, the Government considered the grievances and granted two months waiver. If at all, the petitioner is claiming more concession, he is at liberty to approach the Government and the Courts cannot interfere with such decision of granting of waiver of lease amount or license fee. Granting or extension of such concession involves huge monetary implications and therefore, the Government has to take a decision in the interest of public and the Court cannot extend such concession in favour of any person when the terms and conditions already agreed between the parties are binding.

5.In the present case, the petitioner is challenging the order of rejection for grant of waiver of rent, however, this Court is of the considered opinion that if any grievances exist, the parties are at liberty to approach the Government and the Court cannot consider any such extension of lease period or for extension of concession of waiver of rent or otherwise.

6.With these observations, 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) Department dated 02.09.2020.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Cse
To

1. The Commissioner of Municipal Administration,
No.75, Santhome High Road,
M.R.C. Nagar, Raja Annamalaipuram,
Chennai - 600 028.
2. The Commissioner,
Thiruvallur Municipality,
Thiruvallur District.
3. The Revenue Inspector,
Thiruvallur Municipality,
Thiruvallur District.

+1 CC to The Government Pleader sr 7532
+1 CC to Mr.R.Sasikumar, Advocate sr 7007.

W.P.No.4224 of 2021

PMK (CO)
SP(22/02/2022)