



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4571 of 2021
and W.M.P.No.5198 of 2021

C.Srinivasan

...Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration &
Water Supply Department,
St. George Fort, Chennai - 600009.

2. The Commissioner
Hosur Municipality
Hosur Krishnagiri District
Pincode 635109.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from demanding license fee from the Petitioner for the period from 24.03.2020 to 06.09.2020 and to reduce, revise and re-fix the license fee in a manner proportionate with the opening time permitted for the period from 07.09.2020 onwards for Municipal Shop No.S76-06 Modernised New Bus Stand Hosur in view of COVID- 19 Pandemic Government Total Lockdown Regulations.

For Petitioner : Mr.S.Jayakumar

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

For R2 : Mr.N.Subbarayulu

ORDER

The writ on hand has been filed challenging the order dated 09.11.2020 passed by the 2nd respondent and direct the respondents to waive the lease amount for the period from



01.04.2020 to 31.05.2020 for Municipal Shop No.S76-06 Modernised New Bus Stand Hosur.

2.The petitioner states that he runs a shop at No.7, Hosur Municipality owned New Modernised Bus Stand in the year 2014 and the petitioner has been directed to pay the license fee and the same was enhanced once in two years or three years depends upon any Government Order or resolution of the Municipal Council. 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 toll charges and therefore, the waiver of lease amount is to be granted till September 2020 and further extension is also to be granted.

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) departed 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) dated 02.09.2020. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Secretary to Government,
State of Tamil Nadu,
Municipal Administration &
Water Supply Department,
St. George Fort, Chennai - 600009.

2. The Commissioner
Hosur Municipality
Hosur Krishnagiri District
Pincode 635109.

+1 CC to Mr.S.Jayakumar, Advocate sr 7184

W.P.No.4571 of 2021

KSM(CO)
SP(16/02/2022)