



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.4646 of 2021

K.Tamizharasi

...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 Public Relation Officer & 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 in Masjid Street, Thiruvallur 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



2. The petitioner participated in the tender and declared as a successful bidder and consequently permission was granted to collect charges for using the Public Toilet in Masjid Street for the period 15.02.2020 to 14.02.2021. The period of lease admittedly expired. The grievance 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 November 2020.

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.

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

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 Public Relation Officer & Revenue Inspector,
Thiruvallur Municipality,
Thiruvallur District.
- +1 CC to Mr.R.Sasikumar, Advocate sr 7012.

W.P.No.4646 of 2021

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