



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.5148 of 2022
and W.M.P.Nos.5244 & 5247 of 2022

Manimaran

...Petitioner

Vs

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Assistant Director,
Village Panchayat,
District Collectorate,
Ariyalur.

3.The Block Development Officer,
Panchayat Union,
Jayankondam,
Ariyalur District.

4.The President of Village Panchayat,
Gangaikondacholapuram Village Panchayat,
Gangaikondacholapuram & Post,
Udayarpalayam Taluk,
Ariyalur District - 612 901.

...Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 31.01.2022 issued by the 4th respondent and the consequential tender notification dated 25.02.2022 issued by the 4th respondent and quash the same and consequently directing the 4th respondent to extend the time of 15 weeks to the petitioner to collect levy in the weekly market running at Jayankondam X Road, Gangaikondacholapuram, Udayarpalayam Taluk, Ariyalur District to compensate the loss incurred by the petitioner during the lockdown due to II Phase of Covid-19.

For Petitioner : Mr.G.Pugazhenth

For R1 & R2 : Mr.S.Arumugam
Government Advocate

For R3 & R4 : Mr.C.Selvaraj
Additional Government Pleader



for Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

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This Writ Petition is filed seeking to call for the records pertaining to the order dated 31.01.2022 issued by the 4th respondent and the consequential tender notification dated 25.02.2022 issued by the 4th respondent and quash the same and consequently direct the 4th respondent to extend the time of 15 weeks to the petitioner to collect levy in the weekly market running at Jayankondam X Road, Gangaikondacholapuram, Udayarpalayam Taluk, Ariyalur District to compensate the loss incurred by the petitioner during the lockdown due to II Phase of Covid-19.

2. According to the petitioner, he participated in the auction conducted for the collection of fees in weekly Sunday market in the village namely Jayankondam X Road, Gangaikondacholapuram, Udayarpalayam Taluk, Ariyalur District, under the administration of the 4th respondent. He was the successful bidder and he paid a sum of Rs.15,17,600/-. He was granted license for the period from 01.02.2021 to 31.01.2022 and due to the Covid-19 pandemic situation, the Government announced lockdown from 24.04.2021 to 10.06.2021 and lockdown on Sundays from 07.01.2022. Due to which, weekly Sunday market was not conducted and the petitioner could not collect the fees. He suffered heavy loss and by representation dated 24.01.2022, requested the 4th respondent to extend his license for a period of 15 weeks. The 4th respondent by impugned order 31.01.2022, rejected the request of the petitioner for extension of license period. Hence, the petitioner has come out with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that in a similar situation, the 4th respondent extended the license to collect the levy from the tourist vehicles parking to visit the Gangaikondacholapuram Temple for the period from 01.11.2019 to 31.10.2020 for one Ravichandran, who was granted license for collecting parking fees for the tourist vehicles by 5 months 14 days. The learned counsel appearing for the petitioner also referred to the recommendation of Panchayat Board Council for extension of license period to the petitioner and agenda was placed before the Council and prayed for allowing the Writ Petition.

4. Mr.C.Selvaraj, learned Additional Government Pleader representing Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the respondents 3 and 4 submitted that the petitioner has not brought to the notice of the 4th respondent



with regard to non-collection of fees in time and he has sent representation only on 24.01.2022. By that time, the 4th respondent effected publication for conducting public auction for collection of fees for the period from 10.03.2022 to 09.03.2023 and the auction was proposed to be conducted on 09.03.2022. Hence, the 4th respondent rejected the request of the petitioner. In auction conducted on 09.03.2022, there was no bidder.

5. Heard the learned counsel appearing for the petitioner; Mr.S.Arumugam, learned Government Advocate appearing for the respondents 1 and 2 as well as Mr.C.Selvaraj, learned Additional Government Pleader representing Mr. E.Veda Bagath Singh, learned Special Government Pleader appearing for the respondents 2 and 3 and perused the materials available on record.

6. From the materials on record, it is seen that the petitioner was granted license for collection of fees in the weekly Sunday market running at Jayankondam X Road, Gangaikondacholapuram, Udayarpalayam Taluk, Ariyalur District. According to the petitioner, due to the lockdown ordered by the Government during the period from 24.04.2021 to 10.06.2021 and lockdown on Sundays from 07.01.2022 till 31.01.2022, weekly Sunday market was closed. Due to which, the petitioner suffered heavy loss and sought for extension of license period by 15 weeks by the representation dated 24.01.2022 to the 4th respondent, however, the said request was rejected by the 4th respondent on the ground that the representation was made by the petitioner at the last moment after effecting publication for conducting public auction for granting license for the period from 10.03.2022 to 09.03.2023. From the submission of the learned Additional Government Pleader appearing for respondents 3 and 4, it is seen that on the date of public auction, there was no bidders and in view of the same, the 4th respondent is directed to permit the petitioner to collect the fees in weekly Sunday market till conducting public auction and highest bid is accepted or for a period of 15 weeks from 27.03.2022, whichever is earlier.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To:

- 1.The District Collector,
Ariyalur District,
Ariyalur.
- 2.The Assistant Director,
Village Panchayat,
District Collectorate,
Ariyalur.
- 3.The Block Development Officer,
Panchayat Union,
Jayankondam, Ariyalur District.
- 4.The President of Village Panchayat,
Gangaikondacholapuram Village Panchayat,
Gangaikondacholapuram & Post,
Udayarpalayam Taluk,
Ariyalur District 612 901.

+1 CC to Mr.G.Pugazhenthhi, Advocate sr 19817
+1 CC to The Government Pleader sr 20328.

W.P.No.5148 of 2022

MG(CO)
SP(25/03/2022)