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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.5628, 5631, 5635 ,5638 & 4779 OF 2021
AND

W.M.P.NOS.6232, 6234, 5398, 6237, 6242, 6247 OF 2021

1. Anjaloase
...Petitioner in W.P.No.5628 of 2021
2. Mohan
...Petitioner in W.P.No.5631 of 2021
3. Dhanakotti
...Petitioner in W.P.No.5635 of 2021
4. Thangapandian
...Petitioner in W.P.No.5638 of 2021
5. S.P.Gandhi
...Petitioner in W.P.No.4779 of 2021

Vs

1. The Director,
Tamilnadu Municipal Administration,
Ezhilagam,
Chennai-5
2. The Commissioner / Special Officer,
Pallavaram Municipality,
Chrompet,
Chennai -44.

... Respondents in all W.P's

COMMON PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of Impugned notice dated 01.02.2021 issued by the 2nd respondent, which is received on 02.02.2021 and quash the same and consequently to direct the 2nd respondent to waive the monthly rental for the period from march 2020 to December 2020 due to covid-19 pandemic situation towards the petitioners shop Nos.1, 4, 5, 6 and 7 situated at G.S.T. Road, Pallavaram, Chennai.



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For Petitioners : Mr.Hema Kumar
[in all W.P.'s] for Mr.P.Sampath

For Respondent 1 : Mr.V.Manoharan
[in all W.P.'s] Additional Government Pleader

For Respondent 2 : Mr.P.Srinivas
[in all W.P.'s]

COMMON ORDER

These writ petitions have been filed challenging the order dated 01.02.2021 passed by the 2nd respondent and direct the respondents to waive the monthly rental amount for the period from March 2020 to December 2020 due to covid-19 pandemic situation towards the petitioners shop Nos.1, 4, 5, 6 and 7 situated at G.S.T. Road, Pallavaram, Chennai.

2.The petitioners participated in the tender and declared as a successful bidders and consequently permission was granted by the second respondent - The Commissioner / Special Officer on 23.07.2020 granted license to collect toll charges. The period of lease admittedly expired. The grievances of the writ petitioners are that during the pandemic period and more specifically, when lockdowns were announced, the petitioners were unable to collect toll charges and therefore, the waiver of rental amount is to be granted till December 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) 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 petitioners are claiming more concession, they are 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.

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5. In the present case, the petitioners are 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 petitioners are 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 petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Tamilnadu Municipal Administration,
Ezhilagam,
Chennai-5.
2. The Commissioner / Special Officer,
Pallavaram Municipality,
Chrompet,
Chennai -44.

+lcc to Mr.P.Srinivas, Advocate, S.R.No.7479
+lcc to the Government Pleader, S.R.No.8013

W.P.No.5628, 5631, 5635 ,5638 & 4779 of 2021

AK(CO)
RLP(21/02/2022)