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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6202 of 2021

Manikanda Prabu

...Petitioner

Vs

The Executive Officer,
Kottur Town Panchayat,
Kottur,
Anamalai Taluk,
Coimbatore District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to extend the lease period without demanding any further payment by considering the petitioner's representation dated 23.01.2021.

For Petitioner : Mr.N.Ponraj

For Respondent : Mrs.A.Srijayanthi
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondent to extend the lease period without demanding any further payment by considering the petitioner's representation dated 23.01.2021.

2.The petitioner participated in the tender and declared as a successful bidder and consequently permission was granted by the respondent Town Panchayat for the year 2020-2021 granting license to collect tax in the weekly market commencing from 01.04.2020. The period of lease admittedly expired. The grievances of the writ petitioner is that during Covid-19 period, the Government announced lock down and therefore, the



petitioner could not able to collect toll charges as per the license conditions. The petitioner made several representations seeking extension of license and to grant waiver of lease amount. However, without considering the representation of the petitioner, the respondents issued the tender notification in respect of collection of toll charges.

3. Admittedly, the license period expired. The petitioner submitted a representation to consider his case for extension of license in view of pandemic situation.

4. 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 Court cannot extend the period of lease in view of the fact that the terms and conditions are contractual obligations between the parties.

5. The pandemic situation caused many difficulties to several citizens of this great Nation. It was an extraordinary situation where the people suffered and therefore, everyone of this Court may have grievances on account of pandemic situation and more specifically, during lock down period. Several youth of this Country lost their job and even they were struggling for their livelihood. Even as per the statistics more than 3½ Crores people lost their job. Many small industries sustained huge monetary loss and even now they are struggling to restore the position. When the general lock down and Covid-19 caused disastrous consequences to the whole world, the case of the petitioner alone cannot be considered as a special case. However, the Government took note of all these factors and grating concessions to the needy people.

6. Under these circumstances, the Court cannot grant any extension of period. The license terms and conditions were agreed between the petitioner and the second respondent and the Courts cannot interfere with the contractual obligation between the parties. Once the period of license expired, the extension of period cannot be claimed as a matter of right and the authorities in the present case had issued the tender notification and therefore, the petitioner will get an opportunity to participate in the auction if he is otherwise eligible. This being the scope, the relief as such sought for in the present writ petition deserves no merit consideration.



7. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

cse

To

The Executive Officer,
Kottur Town Panchayat,
Kottur, Anamalai Taluk,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.7391

W.P.No.6202 of 2021

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NSK 16/02/2022