



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.6882 OF 2021

- 1.S.P.Sundaram
- 2.K.Seenuvasan
- 3.N.Ezhumalai
- 4.M.Jakirusean
- 5.C.R.Shankar
- 6.K.Manivannan
- 7.K.Nadanasigamani
- 8.G.Murali
- 9.Amuthavalli
- 10.S.Kannan
- 11.S.Pandurangan
- 12.B.Chakkrabani
- 13.P.Yesuraj

...Petitioners

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water
Supply Department,
St.George Fort, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.
- 3.The District Collector,
Office of the District Collector,
Villupuram District.
- 4.The Municipal Commissioner,
Villupuram Municipality,
P.J.N. Road,
Villupuram District.

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th Respondent, The Municipal Commissioner, Villupuram Municipality to consider the Petitioners request in the Light of the order passed by the Honble Madurai Bench of Madras High Court in W.P. (MD) No 19596/2020 vide its order dated 01.02.2021 and on the basis of our representation dated 18.02.2021.

For Petitioner : Mr.M.Duraimurugan
For Respondents
R1 to R3 : Mrs.R.L.Karthikaa
Government Advocate
R4 : Mr.P.Srinivas

ORDER

The relief sought for in the present writ petition is to direct directing the 4th Respondent to consider the Petitioners request in the light of the order passed by the Honble Madurai Bench of Madras High Court in W.P. (MD) No 19596/2020 vide its order dated 01.02.2021 and on the basis of our representation dated 18.02.2021.

2.The petitioners participated in the tender and declared as successful bidders and consequently permission was granted to run the shops. The licence was given for a period of three years and thereafter, it was renewed periodically. The grievances of the writ petitioners is that during the pandemic period and more specifically, when lockdowns were announced, the petitioners were unable to run the shops 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. 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 petitioners. 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 were 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 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 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.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

cse

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
St. George Fort, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
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Santhome High Road, MRC Nagar,
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3. The District Collector,
Office of the District Collector,
Villupuram District.
4. The Municipal Commissioner,
Villupuram Municipality,
P.J.N. Road, Villupuram District.

+1cc to the Government Pleader Sr.No.7392

W.P.No.6882 of 2021

SJ(CO)
RVM(16/02/2022)