



WEB COPY

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.6473 of 2021

& W.M.P.No.7052 of 2021

N.Selvamani

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, 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,
District Collector Office,
Tiruppur District.
4. The Commissioner,
Udumalpet Municipal Corporation,
149/263, Dhali Road,
Udumalpet - 642 126.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation dated 26.02.2021 and grant waiver of the license fee for the period from 24.03.2020 to 06.09.2020 and to reduce revise and re-fix the license fee in a manner proportionate with the opening time permitted for the period from 07.09.2020 onwards for the Municipal Shop No.31, Central Bus Stand, Udumalpet Municipality.

For Petitioner : Mr.M.Sivavarthanan

For Respondents

R1 to R3 : Mrs.R.L.Karthika
Government Advocate
R4 : Mr.B.Anand



O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider petitioner's representation dated 26.02.2021 and grant waiver of the license fee for the period from 24.03.2020 to 06.09.2020 and to reduce revise and re-fix the license fee in a manner proportionate with the opening time permitted for the period from 07.09.2020 onwards for the Municipal Shop No.31, Central Bus Stand, Udumalpet Municipality.

2.The petitioner participated in the tender and declared as a successful bidder and consequently permission was granted by the fourth respondent Municipality granting license for weekly fee collection and for parking charges collection for the period of three years from 01.05.2018 to 31.04.2021. The period of lease admittedly expired. The grievances 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 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. 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) Department 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 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.

5.In the present case, the petitioner is 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) Department dated 02.09.2020. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal
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Udumalpet - 642 126.

+1cc to Mr.M.Sivavarthan, Advocate, S.R.No.7524
+1cc to the Government Pleader, S.R.No.7397

W.P.No.6473 of 2021

MG(CO)
CT 24/02/2021