



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.8388 of 2022

K.S.Vasudevan

... Petitioner

Vs.

1.The Assistant Director of Town Panchayat
Erode Collectorate
Erode.

2.Kodumudi Town Panchayat
Represented by its Executive Officer
Kodumudi.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to forthwith consider the representation of the petitioner dated 28.03.2022 in a time bound manner.

For Petitioner : Mr.S.Ramesh

For R1 : Mr.S.Arumugam
Government Advocate

For R2 : Mr.Azizullakhan

O R D E R

Writ Petition is filed seeking a direction to the respondents to consider the representation of the petitioner dated 28.03.2022 in a time bound manner.

2.The petitioner is a successful bidder for collection of toll tax for the vehicles passing through Kodumudi Town Panchayat limits for the period from 01.04.2021 to 31.03.2022. According to the petitioner, due to COVID situation, there was total lock down for four months and the petitioner suffered



heavy loss. The petitioner made a representation dated 10.05.2021 to the 2nd respondent for relaxation. The said representation has been received by the 2nd respondent, but the petitioner did not retain a copy of the same. As per the Government order in G.O.Ms.No.181, Town Panchayat and Water Supplies Department, dated 19.09.2008, the petitioner is entitled for a further period of two years apart from the initial period of one year by payment of 5% increased amount. While so, the 2nd respondent issued a notice dated 18.03.2022 calling upon the petitioner to pay the enhanced amount for further period from 01.04.2022 to 31.03.2023. On receiving the said notice, the petitioner represented to the 2nd respondent for concession either by way of monetary adjustment or by excluding the lock down period and gave representation dated 28.03.2022. The 2nd respondent has not passed any order on the said representation. Hence, the petitioner has come out with the present Writ Petition.

3.The learned counsel appearing for the petitioner submitted that business of the petitioner suffered heavily due to lock down for more than four months. The respondents are also aware of the hardship underwent by the petitioner, who has paid huge amount. The 2nd respondent has given concession to the similarly placed persons and prayed for a direction to the respondents to consider the representation of the petitioner dated 28.03.2022.

4.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for 1st respondent as well as learned counsel appearing for the 2nd respondent and perused the entire materials on record.

5.From the above materials, it is seen that the petitioner is the successful bidder for collection of toll tax from 01.04.2021 to 31.03.2022 for the vehicles passing through Kodumudi Town Panchayat limits. The petitioner had participated in the public auction knowing fully well the Pandemic situation and the action of the Government ordering lock down for certain periods to control the spread of COVID 2019. Having participated in the public auction with full knowledge of COVID situation, it is not open to the petitioner to seek relaxation, concession or refund of money or extension of period of license. The petitioner is not entitled to seek such a relief from the 2nd respondent. According to the petitioner, he made representation on 10.05.2021 and the same was received by the 2nd respondent. The petitioner has not filed any document to prove that the said representation was sent on 10.05.2021. Now the petitioner has sent representation only on 28.03.2022 after receiving the



notice sent by the 2nd respondent calling upon him to pay the license fee for the subsequent period from 01.04.2022 to 31.03.2023. If really, the petitioner suffered any loss due to lock down for four months, he would have approached the 2nd respondent for appropriate relief during that time itself. The petitioner has filed present Writ Petition only on 31.03.2022 i.e. on the last date of expiry of the license. The petitioner has not made out any case for issuance of mandamus directing the respondents to consider his representation dated 28.03.2022.

6.For the above reasons, the Writ Petition stands dismissed.
No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

kj
To

1.The Assistant Director of Town Panchayat,
Erode Collectorate,
Erode.

2.The Executive Officer,
Kodumudi Town Panchayat,
Kodumudi.

+lcc to Mr.S.Ramesh, Advocate Sr.23267
+lcc to the Government Pleader Sr.23392

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