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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24483 of 2021

Puducherry Bus Stand Traders Association,
Represented by its President
G.Kathiresan,
S/o.Gajendiran,
Having office at
Shop No.7, Kaleshuwara,
New Bus Stand Annex, Orilanpet,
Puducherry - 605 005.

... Petitioner

-Vs-

1. The Union of India,
Represented by the Chief Secretary,
Government of Puducherry,
Chief Secretariat,
Puducherry - 605 001.
2. The Secretary,
Department of Local Administration,
Chief Secretariat,
Puducherry - 605 001.
3. The Commissioner,
Puducherry Municipality,
Kamban Kalaiararam,
Bussy Street,
Puducherry - 605 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus forbearing the respondents from demanding the rent and electricity charges to the members of the petitioner Association in respect of their shops for the Covid-19 lockdown period, i.e., 23.03.2020 to 28.10.2020 and 23.04.2021 to 05.08.2021 by considering the petitioner's representations dated 18.03.2021 and 24.08.2021.



For Petitioner : Mr.K.Sasindran
For Respondents : Mrs.G.Djearany
Government Advocate (Puducherry)

O R D E R

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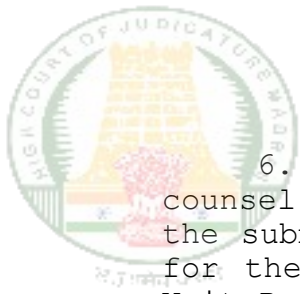
The prayer sought for herein is for a Writ of Mandamus forbearing the respondents from demanding the rent and electricity charges from the members of the petitioner's Association in respect of their shops for the Covid-19 lockdown period, i.e., 23.03.2020 to 28.10.2020 and 23.04.2021 to 05.08.2021 by considering the petitioner's representations dated 18.03.2021 and 24.08.2021.

2. That the petitioner is a Traders Association who have been allotted shops by the respondents, i.e., third respondent. However, the shops were compelled to be closed during the lockdown period for Covid-19 first wave as well as second wave during the year 2020-2021.

3. In view of the said long closure due to Covid-19 lockdown, the petitioner's Association in order to get the concession for rent amount or lease amount payable by them for the period from March to October 2020 and April to August 2021 had given the representations on 18.03.2021 and 24.08.2021 to the respondents and the said representations since have not been considered, they approached this Court by filing the present Writ Petition.

4. Heard Mr.K.Sasindran, learned counsel appearing for the petitioner who would submit that, due to Covid-19 situation, the shops were completely closed for longer period as referred in the representations and for the said period, the rent / lease amount payable by the petitioner's members, i.e., traders shall be waived by the respondents, for which, when they approached the respondents by giving the representations as stated supra, the respondents have not come forward to consider the same to give such concession to the members of the petitioner, therefore, the learned counsel appearing for the petitioner seeks indulgence of this Court to issue a direction by way of mandamus.

5. Heard Mrs.G.Djearany, learned Government Advocate appearing for the respondents who on instructions would submit that, the said representations submitted by the petitioner dated 18.03.2020 and 24.08.2021 would be considered by the respondents on merits and in accordance with law and an order to that effect would be passed within a time frame not less than eight weeks to be stipulated by this court.



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6. Having considered the said submission made by the learned counsel appearing for both sides and especially having regard to the submission made by the learned Government Advocate appearing for the respondents, this Court is inclined to dispose of this Writ Petition with the following order:

that there shall be a direction to the respondents especially the second and third respondents to consider the representations of the petitioner dated 18.03.2021 and 24.08.2021 and decide the same and pass orders by communicating the said decision to the petitioner's Association on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to Costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rap / vji
To

1. The Chief Secretary,
The Union of India,
Government of Puducherry,
Chief Secretariat,
Puducherry - 605 001.

2. The Secretary,
Department of Local Administration,
Chief Secretariat,
Puducherry - 605 001.

3. The Commissioner,
Puducherry Municipality,
Kamban Kalaiararam,
Bussy Street,
Puducherry - 605 001.

+1cc to Mr.K.Sasindran, Advocate, S.R.No.375
+1cc to the Government Pleader, S.R.No.525

W.P. No. 24483 of 2021

PL(CO)
CB(01/02/2022)