



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.28429 OF 2021
AND W.M.P.NO.30032 OF 2021

A.P.Karuppiah
Proprietor of APK Golden Banana
Shop No. TF 90 & T 92, Fruit Market,
Wholesale Market Complex,
Koyambedu, Chennai - 600 092.

...Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Agriculture Production Commissioner
and Secretary to Government of Tamil Nadu
Agricultural and Farmers Welfare Department,
Fort St. George, Chennai.
2. The Special Officer and Commissioner of
Horticulture & Plantation Crops,
Horticulture Department,
Chepauk, Chennai 600 005.
3. Tamil Nadu Horticultural Producers
Co-operative Enterprises Limited
(TANHOPE)
Represented by its Managing Director
Agriculture Department Complex -1,
Chepauk, Chennai 600 005

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the Respondents from demanding the Rent / License fee from the Petitioner for the period from April 2020 till October 2020 for the property bearing Shop nos. TF 90 and T 92, Fruit Market, Wholesale market complex, Koyambedu, Chennai- 600 092 in view of lockdown



WEB COPY

announced by the government of Tamil Nadu due to the Covid 19 pandemic and to pass.

For Petitioner : Mr.A.V.Arun
For Respondent 1 : Mr. V.Manoharan
Additional Government Pleader
For Respondent 2 : Mr. V.Baranidharan
Additional Government Pleader
For Respondent 3 : Mr.Devendran Kutty
For Mr.S.Rajendiran

ORDER

The relief sought for in the present writ petition is to forebear the respondents from demanding the Rent / License fee from the Petitioner for the period from April 2020 till October 2020 for the property bearing Shop nos. TF 90 and T 92, Fruit Market, Wholesale market complex, Koyambedu, Chennai- 600 092 in view of lockdown announced by the government of Tamil Nadu due to the Covid 19 pandemic.

2. The petitioner states that he submitted an application for allotment of shop for the purpose of business. The shop was allotted by the third respondent in proceedings dated 20.08.2013. The petitioner has complied with the terms and conditions and taken possession of the shop for the purpose of running wholesale and retail sales of fruits.

3. The grievance of the writ petitioner is that on account of lockdown during the pandemic he could not able to run his business and sustained financial loss. Therefore, waiver of rent is to be granted by the competent authorities.

4. Waiver of rent cannot be granted by the High Court in a writ proceedings and further more, the petitioner has been allotted a shop on certain terms and conditions, which all are to be complied with by the parties. During the pandemic period, more specifically, on account of lockdown, every citizen of this Country suffered in one form or otherwise. Therefore, the agony undergone by the citizens during the lockdown period and pandemic cannot be a ground for seeking waiver of rent by filing a writ petition. The Government has announced various reliefs to



the persons affected on account of covid 19 situation in respect of the traders / business persons, the Government issued G.O.(D) No.298, Municipal Administration and Water Supply (MA IV) dated 02.09.2020 wherein waiver of rent for two months is granted. The waiver granted by the Government for two months itself is a concession and such a concession cannot be extended by the High Court, as it involves huge financial implication to the State Exchequer. If at all any further grievance exists, the aggrieved person may approach the competent authorities in the manner known to law. Contrarily, the High Court cannot issue any waiver of rent or extension of lease which is an administrative decision to be taken by the competent authorities / Government. Furthermore grant of waiver of rent for two months has already been granted by the Government through the policy decision and therefore, the petitioner is entitled for the waiver of two months rent if eligible in accordance with the Government order in G.O.(D)No.298.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nti/Kst

To

1. The Agriculture Production Commissioner
and Secretary to Government of Tamil Nadu
Agricultural and Farmers Welfare Department,
Fort St. George, Chennai.
2. The Special Officer and Commissioner of
Horticulture & Plantation Crops,
Horticulture Department,
Chepauk,
Chennai 600 005.



3. The Managing Director,
Tamil Nadu Horticultural Producers
Co-operative Enterprises Limited
(TANHOPE)
Agriculture Department Complex -1,
Chepauk, Chennai 600 005.

+lcc to Mr.A.V.Arun, Advocate, S.R.No.7137
+lcc to the Government Pleader, S.R.No.7439

W.P.No.28429 of 2021

SSI (CO)
PM/22/03/2022