



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28173 of 2021

Arumugam

... Petitioner

-Vs-

1.The District Collector,
Salem District Collector Office,
Salem.

2.The Assistant Director of Panchayats,
Revenue Divisional Officer,
Salem District Collector Office,
Salem.

3.The Executive Officer,
Jalakandapuram, Selection Grade Panchayat,
Salem District.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to issue order in favour of the petitioner for collecting the fee in daily market of the 3rd respondent Panchayat for the year 2022-2023 within stipulated time may be fixed by this Court.

For Petitioner : Mr.N.Senthilkumar

For Respondents

R1 & R2 : Mr.K.Suresh
Government Advocate
R3 : Mr.P.Balathandayutham
Special Government Pleader

O R D E R

The prayer sought for herein is for a writ of Mandamus, to direct the third respondent to issue order in favour of the petitioner for collecting the fee in daily market of the 3rd respondent Panchayat for the year 2022-2023 within the stipulated time.



2.The petitioner was given the lease/licence for collecting daily market fee run by the third respondent Town Panchayat for a period of one year from 01.04.2021 to 31.03.2022.

WEB COPY

3.During this period, according to the petitioner several months the market was closed due to second wave of Covid 19. Therefore, even though the lease period expires by 31.03.2022, he needs further extension of atleast six months period of his lease period from 01.04.2022 for which representation had already been given to the respondents.

4.It is to be noted that even in the earlier year, i.e. from 01.04.2020 to 31.03.2021, the very same petitioner was given the lease and during that period, due to Covid 19 first wave, several months the market was closed and he was not in a position to collect the fee. Therefore, he wanted some extension and whether such extension has been given or not to the petitioner is not known as there is no clear instructions from the third respondent as projected by the learned Special Government Pleader appearing for the third respondent.

5.Be that as it may. Now the lease period even according to the learned Special Government Pleader appearing for the third respondent is from 01.04.2021 to 31.03.2022 and during this one year period, admittedly for several months the market was closed due to Covid 19 second wave and those period can be extended to the petitioner. Therefore, in this regard, the third respondent Town Panchayat can take a decision and pass necessary orders to that effect and communicate the same to the petitioner extending the period of lease beyond 31.03.2022 based on the loss sustained by the petitioner during Covid 19 second wave period. Such a consideration shall be made and order shall be passed by the third respondent and communicate to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6.With this direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

cse



To

1.The District Collector,
Salem District Collector Office,
Salem.

2.The Assistant Director of Panchayats,
Revenue Divisional Officer,
Salem District Collector Office,
Salem.

3.The Executive Officer,
Jalakandapuram, Selection Grade Panchayat,
Salem District.

+1cc to Mr.N.Senthilkumar, Advocate SR.No.3296

+1cc to Government Pleader SR.No.3710

W.P.No.28173 of 2021

MG(CO)
GMY(16/02/2022)