



W.P(MD)No.1490 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1490 of 2021

B.Palanikumar

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chennai.

2.The Commissioner,
Kadayanallur Municipality,
Kadayanallur,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 31.10.2020 to waive the license amount for the closure period or in alternative grant extension of license period within the time limit as fixed by this Court.

For Petitioner : Mr.N.Tamilmani

For R1 : Mr.K.Balasubramani
Special Government Pleader

For R2 : Mr.M.Rajarajan



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ORDER

Heard the learned counsel on either side.

2. The petitioner was granted license to run a public toilet in the Kadayanallur Bus stand. The petitioner seeks waiver of the license amount for the closure period during pandemic.

3. The stand of the respondents is that as per G.O issued by the Government, waiver for two months alone can be granted.

4. The stand of the petitioner is that when the toilet as well as the bus stand were shut down for a much longer period, confining the period of waiver for two months alone is clearly unfair and unreasonable.

5. The stand of the petitioner finds support in a decision of this Court. However, the same has been put to challenge and the issue is presently pending consideration at the hands of the Hon'ble Apex Court. The second respondent is directed to pass order on the petitioner's representation within a period of six weeks from the date of receipt of a copy of this order. It is of-course open to the petitioner to question if the order is adverse to him.



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6. Leaving open the petitioner's rights, the Writ Petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

To

The Commissioner of Municipal Administration,
Chennai.



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G.R.SWAMINATHAN, J.

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