



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4298 of 2022

M.M.Cleetus

... Petitioner

vs.

1.The Principal Secretary,
Municipal Administration and Water Supply Department,
St.George Fort, Secretariat, Chennai.

2.The Commissioner of Municipal Administration,
MRC Nagar, Pattinampakkam, Chennai - 28.

3.The Commissioner,
Nagercoil Corporation, Kanyakumari District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pass orders on petitioner's representations dated 01.03.2021, 11.05.2021, 25.06.2021, 29.10.2021 and 03.03.2022 by granting extension of lease or to pay compensation for non-enjoyment of the license period due to Covid-19 pandemic and pass orders within a time stipulated by this Court.

For Petitioner	:Mr.M.R.Sreenivasan for Mr.F.Deepak
For R1 and R2	:Mr.B.Saravanan Additional Government Pleader
For R3	:Mr.P.Athimoolapandian *****

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representations, dated 01.03.2021, 11.05.2021, 25.06.2021, 29.10.2021 and 03.03.2022 seeking for extension of lease or to pay compensation for non enjoyment of the lease period due to COVID-19 pandemic lockdown within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he was granted licence to collect two wheeler parking fee at Vadasery Bus Stand belonging to the respondent in the year 2019. According to him, due to COVID-19 lockdown, he was unable to utilise the said space and collect fee from his customers. In such circumstances, he has sought for waiver or for extension of lease for the period during which he was unable to utilise the parking space and collect fees by giving



aforementioned representations to the respondents. Since the said representations have not been considered till date, he has filed this Writ Petition.

3.Heard Mr.M.R.Sreenivasan, learned Counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of R1 and R2 and Mr.P.Athimoolapandian, learned Standing Counsel, who takes notice on behalf of the third respondent.

4.The learned Standing Counsel for the third respondent Corporation would submit that already waiver has been granted in accordance with G.O.Ms.No.298 of 2020 and therefore, the third respondent does not have any power to grant any further waiver to the petitioner and they do not have the power to grant extension of lease also. The said statement is recorded.

5.G.O.Ms.No.298 of 2020 was issued by the first respondent and therefore, this Court is of the considered view that no prejudice will be caused to the first respondent, if the petitioner's representations seeking for waiver or extension of lease for the non used period is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

6.Accordingly, this Court directs the second respondent, who is the competent authority, to consider the petitioner's representations, dated 01.03.2021, 11.05.2021, 25.06.2021, 29.10.2021 and 03.03.2022 requesting for extension of lease or to pay compensation for non utilised period on account of COVID-19 lockdown in respect of Vadasery Bus Stand, Nagercoil, and pass final orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

7.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr
To

1.The Principal Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

<https://hcservices.courts.gov.in/>



2.The Commissioner of Municipal Administration,
MRC Nagar, Pattinampakkam, Chennai - 28.

3.The Commissioner,
Nagercoil Corporation, Kanyakumari District.

+1 CC to M/s.F.DEEPAK, Advocate (SR-11412[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11814[F] dated 14/03/2022)

Order made in
W.P. (MD)No.4298 of 2022
10.03.2022

SS/22.03.2022 : 3P/6C