



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5258 of 2022

W.M.P. (MD) .No.4281 of 2022

WEB COPY

P.Amutha

.. Petitioner

Vs

The Commissioner,
Melur Municipality,
Melur,
Madurai District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent municipality to extend the non-operational period of 14 months and allow the petitioner to collect the entry fee during the weekly santhai on every Sunday on the basis of the petitioner representation, dated 09.03.2022, within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondent : Mr.Veera.Kathiravan,

Additional Advocate General, assisted by
Mr.A.Pandiarajan, Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent municipality to extend the non-operational period of 14 months and allow the petitioner to collect the entry fee during the weekly santhai on every Sunday on the basis of the petitioner's representation, dated 09.03.2022, within a time frame to be fixed by this Court.

2.Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.Veera.Kathiravan, learned Additional Advocate General appearing for the respondent.

3.The learned Additional Advocate General appearing for the respondent would submit that the lease period granted to the petitioner got expired on 31.03.2022 and thereafter, the respondent has taken possession of the weekly market from the petitioner on 01.04.2022.

4.Since the respondent has already taken possession of the weekly market from the petitioner on 01.04.2022, no further orders can be passed in this writ petition as the petitioner has sought for extension of the lease in this writ petition.



5.The learned counsel for the petitioner submits that the petitioner is also entitled for waiver of licence charges paid by the petitioner for the non-operative period due to Covid - 19 Lock down. This Court is of the considered view that liberty can be granted to the petitioner to give a fresh representation to the respondent seeking for waiver of the licence charges for the non-operative period due to the Covid - 19 lock down and on receipt of the said representation, the respondent can consider the same on merits and in accordance with law.

6.For the foregoing reasons, this writ petition is disposed of by granting liberty to the petitioner to submit a fresh representation to the respondent, seeking for waiver of licence charges for the non-operative period, which according to the petitioner is 14 months, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the respondent shall consider the same and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of six weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.*

To

The Commissioner,
Melur Municipality,
Melur,
Madurai District.

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