



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A(MD)Nos.754 of 2021 and 136 of 2022

and

C.M.P(MD)No. 3394 of 2021 and C.M.P. (MD) No.1306 of 2022

V.Chandrasekaran .. Appellant in W.A.(MD) No. 754/21

R.Anand .. Appellant in W.A.(MD) No. 136/22

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply
Department, St.George Fort,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai - 600 028.

3.The District Collector,
Kanyakumari @ Nagercoil,
Nagercoil - 629 001,
Kanyakumari District.

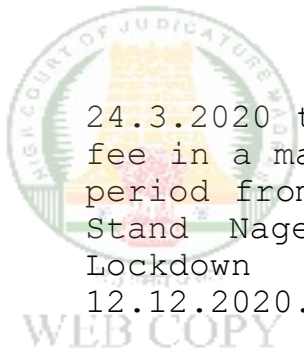
4.The Nagercoil Municipal Corporation,
166, Balamore Road,
Nagercoil - 629 001,
Kanyakumari District,
Rep. by its Municipal Commissioner.

.. Respondents
in both appeals

Writ Appeals filed under Clause 15 of the Letters Patent
against the order dated 01.02.2021 passed in W.P(MD)No.19631 of 2020
& W.P.(MD) No. 19874 of 2020.

Prayer in WP(MD). 19631/ 2020 and WP(MD). 19874/ 2020 ::

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court Pleased to issue a writ of
Certiorarified Mandamus or any other writ order or direction in the
nature of writ calling for the records of the impugned notice of the
4th Respondent dated 07.12.2020 made in Na.Ka.No.7841/2017/A13 and
quash the same and consequently forbear the respondents from
generating licence fee from the Petitioner for the period from



24.3.2020 to 06.09.2020 and to reduce revise and re-fix the license fee in a manner proportionate with the opening time permitted for the period from 07.09.2020 onwards for municipal New Shop No.2 Anna Bus Stand Nagercoil in view of COVID-19 Pandemic Government Total Lockdown regulations as per petitioner representation dated 12.12.2020.

For Appellant : Mr.R.Gowrishankar

For Respondents : Mr.K.Balasubramani
Special Government Pleader.
for R1 to R3
Mr.P.Athimoolapandian
for R4

C O M M O N J U D G M E N T
[Delivered by PARESH UPADHYAY, J.]

1. Challenge in these two appeals is made to the common order dated 01.02.2021 recorded on group of petitions being W.P(MD) Nos.19613, 19617, 19631, 19637, 19639, 19762, 19874 and 19877 of 2020. These two appeals are by the writ petitioners of W.P(MD) Nos.19631 and 19874 of 2021.

2. It is noted that these appeals are listed for hearing along with group of appeals being W.A(MD)Nos.428 of 2021, 219 of 2021, 493 of 2021, 494 of 2021, 495 of 2021, 496 of 2021, 958 of 2021, 959 of 2021, 960 of 2021, 961 of 2021, 980 of 2021 and 988 of 2021. Those appeals were filed by the Municipal Corporation, which are dismissed today by separate orders. Those orders are taken into consideration while deciding these appeals.

3. Heard learned advocates.

4. It is noted that learned advocates for the writ petitioners, the Municipal Corporation and the Special Government Pleader have reiterated the arguments which are recorded in the cross writ appeals (as recorded in para : 2 above).

5. While deciding this set of writ petitions, along with other petitions which are the subject matter of the above referred writ appeals, learned Single Judge inter-alia noted as under:

".....I had granted reliefs to similarly placed shopkeepers. But then, I am unable to adopt the same approach in the present cases also. I indicated to the petitioners - counsel that if the petitioners wanted reliefs of total waiver beyond what was announced by the Government, the petitioners will have to give up their demand for

<https://hcservices.ecourts.gov.in/hcservices/> of the license for the period commencing



from 01.04.2021....."

6. In our view, the relief granted to other petitioners, ought to have been extended to these writ petitioners as well. What stand the petitioners should have taken, at the time of renewal in the subsequent year (2021) could not be a deciding factor for grant of relief for the period of lock-down (2020). In our view, ends of justice would meet if all the petitioners are treated equally.

7. For the above reasons, these appeals need to be allowed by holding that these appellants would not be required to pay any licence fee to the Municipal Corporation for the period when there was total lock-down (i.e. from 24.03.2020 to 06.09.2020).

8. These appeals are allowed in above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn/35

To

- 1.The Government of Tamil Nadu,
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Nagercoil - 629 001,
Kanyakumari District,
Rep. by its Municipal Commissioner.



+1 CC to M/s.SPL GP (SR-13875, SR-13921[F] dated 23/03/2022)

+2 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-14120,SR-14125[F]
dated 24/03/2022)

+1 CC to M/s.R.GOWRI SHANKAR, Advocate (SR-14378[F] dated
24/03/2022)

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RD(30.03.2022) 4P 9C