



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.8435 and 18316 of 2021
and
W.M.P.(MD)Nos.15142, 15144 and 15146 of 2021
in
W.P.(MD)No.18316 of 2021

W.P.(MD)No.8435 of 2021:-

E.Angusamy @ Mohan ... Petitioner

Vs.

1.The Secretary to Government,
Municipality Administration & Water Supply Department,
Secretariate,
Chennai 9.

2.The Commissioner,
Rameswaram Corporation,
Rameswaram.

... 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 2nd respondent to refund the proportionate 6 months license fee paid by the petitioner in terms of proceedings of the 2nd respondent made in Na.Ka.No.1288/A4/2014 dated 15.10.2010 by considering the representation dated 11.02.2021.

For Petitioner : Mr.K.Govindarajan,
For Mr.R.Murali

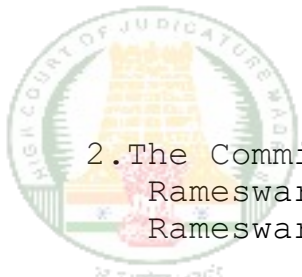
For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1
Mr.M.Kannan for R2

W.P.(MD)No.18316 of 2021:-

E.Angusamy @ Mohan ... Petitioner

Vs.

1.The Secretary to Government,
Municipality Administration & Water Supply Department,
Secretariate, Chennai 9.



2.The Commissioner,
Rameswaram Corporation,
Rameswaram.

3.The Commissioner of Municipality Administration,
No.78, Urban Administration Building,
Santhome High Road,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd respondent made in Na.Ka.No.1288/2014/A4 dated 06.09.2021 and quash the same and consequently direct the 2nd respondent to extend the license period inappropriate to the lock down period.

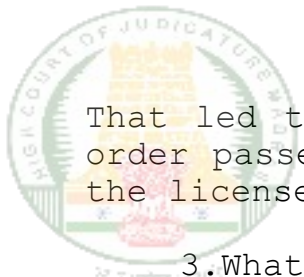
For Petitioner : Mr.K.Govindarajan,
For Mr.R.Murali

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R3
Mr.M.Kannan for R2

COMMON ORDER

Heard the learned counsel on either side.

2.Rameswaram Municipality issued notification dated 30.09.2020 inviting tenders for collection of entry fee for the vehicles entering the municipal limits under the Rameswaram bus stand. The petitioner was the successful tenderer. The petitioner's offer of Rs.3,27,79,999/- was found to be the highest. He was awarded license on 20.10.2020. The petitioner was to enjoy one year license period and thereafter he could seek renewal on payment of enhanced license fee at the rate of 15%. One can take judicial notice of the fact that the license period ie., 20.10.2020 to 19.10.2021 witnessed the second wave of covid-19. The said period witnessed lockdown also. The total number of the lockdown days would come to six months. As a result, the petitioner was not able to enjoy the fruits of the license. It is well known that Rameswaram is a pilgrim centre. It witnesses a large tourist inflow. Because of severe travel restrictions, pilgrims from other parts of the country were not able to visit Rameswaram. The temple also remained closed for a number of days. Therefore, the petitioner requested the Municipality to permit him to continue to enjoy the license for six more months. The petitioner's request was not accepted. Instead the petitioner was called upon to pay the enhanced license fee for the second year. Since the petitioner could not comply with the said demand, they also proposed to issue fresh tender notification.



That led to filing of these writ petitions. By virtue of interim order passed by this Court, the Municipality was allowed to collect the license fee and maintain accounts.

3. Whatever amounts that were collected by the Municipality pursuant to the interim order of this Court can be appropriated by the Municipality themselves. Instead to compensate the petitioner for the loss suffered by him on account of lockdown, I permit the petitioner to act as licensee for collecting entry fee for the vehicles entering Rameswaram Municipality and Rameswaram bus stand from 01.07.2022 till 31.12.2022. The petitioner has to necessarily cease to act as a licensee thereafter. Since special relief has been granted to the petitioner by citing lockdown, he cannot insist for renewal of the license fee even on payment of enhanced rate. It is open to the second respondent to issue a fresh tender notification for the period commencing from 01.01.2023. Of course, the petitioner can participate in the said tender process.

4. I grant such a relief to the petitioner in view of the order passed by me on 01.02.2021 in W.P.(MD)No.19596 of 2020 (R.Narayanan Vs. The Government of Tamil Nadu and Others). The Hon'ble Division Bench of this Court confirmed the said order in W.A.(MD)No.428 of 2021.

5. The petitioner through his counsel gives an undertaking that he will file an affidavit to the effect that he will surrender his rights as licensee on the midnight of 31.12.2022 and that he will not seek any further relief.

6. These writ petitions are allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To:-

1. The Secretary to Government,
Municipality Administration & Water Supply Department,
Secretariate,
Chennai 9.



2.The Commissioner of Municipality Administration,
No.78, Urban Administration Building,
Santhome High Road,
Chennai.

+1 CC to M/s.SPL.GP (SR-27158[F] dated 21/06/2022)
+1 CC to Mr.R.MURALI, Advocate SR.No. 26689
+1 CC to Mr.M.KANNAN, Advocate SR.No. 26814

W.P (MD) Nos.8435 and 18316 of 2021
17.06.2022

KG (CO)
TR(28.06.2022) 4P 6C