



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.8271 of 2022

C.Natarajan

... Petitioner

Vs.

1.The District Collector,
Thiruchirappalli District,
Thiruchirappalli.

2.The Assistant Director of Panchayats,
Thiruchirappalli.

3.The Block Development Officer,
Village Panchayats,
Panchayat Union,
Manachanallur,
Thiruchirappalli District.

4.The Thirupattur Panchayat,
Through its President,
Thirupattur, Mannachanallur Taluk,
Thiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to pay the petitioner the amount due to the petitioner for non-exercise of the license, on account of lockdown announced for COVID 19 Pandemic, granted to him for collection of entry fee from the vehicles coming to Thirupattur temple, Manachanallur Taluk, Thiruchirappalli District, vide proceedings dated 07.06.2019 in Na.Ka.T2/1082/2018 of the third respondent for the period 07.06.2019 to 31.05.2020, along with interest at the rate of 12% per annum from the date which it became due till payment.

For Petitioner	: Mr.VR.Shanmuganathan
For R1 and R2	: Mrs.S.Jeyapriya Government Advocate
For R3 and R4	: Mr.T.Amjad Khan Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to pay the petitioner the amount due to the petitioner for the non-operative period of the license on



account of the Government imposed lock down due to Covid-19 pandemic based on the petitioner's representation dated 30.09.2020, within a time frame to be fixed by this Court.

2. According to the petitioner, he was granted license to collect entry fees from the vehicles coming to Thirupattur temple in Thirupattur, Mannachanallur Taluk, Tiruchirappalli District vide proceedings dated 07.06.2019 for the period from 07.06.2019 to 31.05.2020. According to him, he was unable to collect the entry fees due to the imposition of government lock down on account of Covid-19 pandemic between 26.03.2020 and 31.05.2020. In such circumstances, the petitioner has given a representation on 30.09.2020, seeking for refund of the license charges for the non-operative period. Based on the petitioner's representation, the third respondent has also recommended the case of the petitioner for refund to the fourth respondent on 24.12.2020 and 02.03.2021.

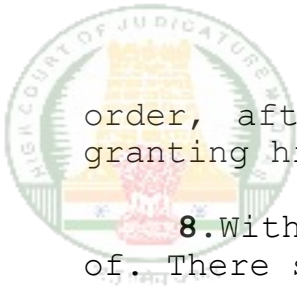
3. According to the petitioner, despite the said recommendations, the fourth respondent has not considered the petitioner's representation and has not ordered refund of the license charges for the non-operative period of the petitioner. In such circumstances, the petitioner has filed this writ petition.

4. Heard Mr.VR.Shanmuganathan, learned Counsel appearing for the writ petitioner, Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2 and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 3 and 4.

5. The petitioner's case has already been recommended by the third respondent to the fourth respondent who has requested the fourth respondent to refund the license charges that were paid by the petitioner in advance for the non-operative period due to Covid-19 pandemic lock down. The competent authority to pass final orders is the fourth respondent.

6. No prejudice would be caused to the fourth respondent if the petitioner's representation seeking for refund is considered by the fourth respondent in the light of the recommendations made by the third respondent on 24.12.2020 and 02.03.2021, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the fourth respondent to pass final orders on the petitioner's representation dated 30.09.2020 seeking for refund of the license charges paid by him on account of the lock down announced by the Government due to Covid-19 and pass final orders on merits and in accordance with law in the light of the recommendations dated 24.12.2020 and 02.03.2021 given by the third respondent to the fourth respondent within a period of eight [8] weeks from the date of receipt of a copy of this



order, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The District Collector,
Thiruchirappalli District,
Thiruchirappalli.
2. The Assistant Director of Panchayats,
Thiruchirappalli.
3. The Block Development Officer,
Village Panchayats,
Panchayat Union,
Manachanallur,
Thiruchirappalli District.
4. The President,
Thirupattur Panchayat,
Thirupattur, Mannachanallur Taluk,
Thiruchirappalli District.

+1 CC to M/s.SPL.GP. (SR-22073[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-23040[F] dated 29/04/2022)

ORDER MADE IN

W.P. [MD]No.8271 of 2022

27.04.2022

SRK (CO)

GC(16.05.2022) 3P 7C