



W.P(MD)No.20224 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20224 of 2022

and

W.M.P.(MD)Nos.14702 & 14703 of 2022

V.R.Jabarson

... Petitioner

Vs.

1.The District Collector,
Kanyakumari,
Kanyakumari District.

2.Kanyakumari Special Grade Panchayat,
Rep. by the Executive Officer,
Kanyakumari Village,
Agatheeswaram Taluk,
Kanyakumari District-629702.

... 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 pertaining to the impugned order in Na.Ka.no.727/2021/A2 dated 30.7.2022 on the file of the respondent No. 2 and quash the same as illegal and consequently direct the respondent no. 2 to extend the lease for the petitioners Fish Exhibition Shed namely Aqua World at S.no. 600/1 Kanyakumari Village, Agastheeswaram Taluk, Kanyakumari District on the payment of escalated rent determined by the respondent no. 2 as per G.O.Ms.No. 92, Municipal



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Administration and Water Supply Department dated 3.7.2007 within a time frame fixed by this Court.

For Petitioner : Mr.S.Rajasekar
For Respondents : Mr.G.Sivaraja
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner had been permitted to run a fish exhibition at the petition mentioned site. He was given such a license on 07.09.2007, since he turned out the highest bidder.

3. It is fairly stated by the second respondent that upto 2019-20, the petitioner had been remitting the charges without any default or arrears. on account of the prevalence of the pandemic, he had committed default. The Government had given a waiver only for two months period. Whether such a licensee is entitled to the waiver for the entire lock down period is a matter that is presently pending before the Hon'ble Supreme Court.

4. I therefore cannot go into the said issue. However, taking note of the past conduct of the writ petitioner and the petitioner's default on account of the pandemic, I grant four more weeks to the petitioner from today to clear the



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arrears mentioned in the impugned communication. The petitioner shall not be dispossessed or evicted from the petition mentioned premises till 30.09.2020.

It is for the petitioner either to clear arrears or get further extension of time before the authority concerned. This is a call which the authority will take.

The Court cannot be called upon to enter into the said controversy.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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