



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.22234 of 2021

and

W.M.P. (MD)Nos.18775 and 18776 of 2021

P.Bernard Vibin

... Petitioner

vs.

1.The District Collector,
Kanniyakumari District at Nagercoil.

2.The Assistant Director (Panchayat),
Collector's Office, Nagercoil.

3.The Block Development Officer-Panchayat,
Munchirai Panchayat Union, Puthukadai.

4.The President,
Choozhal Village Panchayat,
Choozhal Post, Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to repay the lease amount paid with the fourth respondent and extend the lease period as compensation for the monetary losses of Urumbu Market in Choozhal Panchayat to the petitioner herein, by one year ie., from 16.12.2021 to 15.12.2022 without any additional cost.

For Petitioner :Mr.D.Anbarasu

For R1 and R2 :Mr.D.Sasikumar

Additional Government Pleader

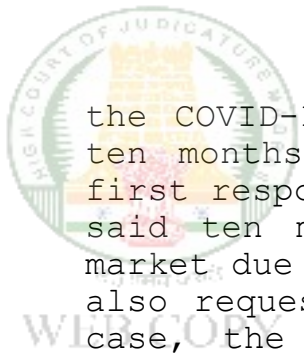
For R3 and R4 :Mr.N.Satheesh Kumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to repay the lease amount paid by the petitioner to the fourth respondent and extend the lease period as compensation for the monetary losses of Urumbu Market in Choozhal Panchayat to the petitioner herein, by one year ie., from 16.12.2021 to 15.12.2022 without any additional cost.

2.The petitioner was granted lease for a period of three years to run the aforesaid market. According to the petitioner, due to



the COVID-19 lockdown, he was unable to run the market for almost ten months. He has given a representation on 10.11.2021 to the first respondent seeking for refund of the lease amount paid for the said ten months, during which period, he was unable to run the market due to COVID-19 lockdown. In the said representation, he has also requested the first respondent to extend the lease period, in case, the fourth respondent is not willing to refund the lease amount paid by the petitioner for the said period of ten months. Since the said representation has not been considered till date, he has filed this Writ Petition.

3.Heard Mr.D.Anbarasu, learned Counsel for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader for R1 and R2 and Mr.N.Satheesh Kumar, learned Additional Government Pleader for R3 and R4.

4.The positive direction, as sought for by the petitioner, cannot be granted by this Court. The only relief that can be granted by this Court is to direct the first respondent to consider the petitioner's representation referred to supra on merits and in accordance with law after affording a fair hearing to the petitioner. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law.

5.Accordingly, this Court directs the first respondent to consider the petitioner's representation, dated 10.11.2021 requesting for refund of the lease amount for a period of ten months or in the alternate, grant extension of lease by another period of ten months and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all relevant documents/orders in support of his contention before the first respondent.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To

- 1.The District Collector,
Kanniyakumari District at Nagercoil.
- 2.The Assistant Director (Panchayat),
Collector's Office, Nagercoil.
- 3.The Block Development Officer-Panchayat,
Munchirai Panchayat Union, Puthukadai.

Order made in
W.P. (MD) No.22234 of 2021
04.03.2022

sj (CO)
TR(16.03.2022) 3P 4C