



W.P(MD)No.27582 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27582 of 2022

and

W.M.P(MD)Nos.21681 & 21682 of 2022

Subramanian

... Petitioner

Vs

1.The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai – 9.

2.The Director of Municipal Administration,
Urban Administrative Building,
No.75, D.G.S.Dinakaran Road,
M.R.C.Nagar,
Raja Annamalaipuram,
Chennai – 28.

3.The Commissioner,
Rameswaram Municipality,
Rameswaram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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relating to the impugned proceeding of the third respondent made in Na.Ka. No.A4/1288/2014 dated 28.11.2022 and quash the same and consequently direct the respondents to grant extension of lease for a period of 5 months in favour of petitioner as done by the third respondent in Na.Ka.No.1288/A4/2014 dated 30.06.2022.

For Petitioner : Mr.R.Murali

For Respondents : Mr.Lingadurai
Special Government Pleader
for R.1 & R.2

Mr.A.Kannan for R.3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was the successful bidder for collecting entry fee from those entering Rameswaram Municipality. It was a three years' contract. The contract expired on 18.10.2020. One can take judicial notice of the fact that from 24.03.2020, the entire country was subject to lockdown restrictions. Therefore, the petitioner could not enjoy the fruits of license.

3. The learned counsel appearing for the petitioner points out that I had given six months extension of license period for a similarly placed individual. That may be so but then the petitioner's contractual period had already come to an end. This Court will not be justified in directing the third respondent to



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enter into a fresh contract. This is all the more so because pursuant to the Government Order issued by the Government, the petitioner had received a sum of Rs.4,400,000/- (Rupees Forty Four Lakhs only) from the Municipality.

4. I had taken the view that payment of compensation only for two months is not sufficient when the lockdown restrictions extended for almost six months. However, this issue is now pending adjudication before the Hon'ble Apex Court. Therefore, the petitioner has to necessarily await the outcome of the case pending before the Hon'ble Apex Court before getting further claim on the third respondent Municipality. Directing the petitioner to await the adjudication of the issue by the Hon'ble Apex Court, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.12.2022

Index : Yes / No

Internet : Yes/ No

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To

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