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W.P. No. 18836 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 18836 of 2020

and

W.M.P. Nos. 23408 and 23409 of 2020

M.Baskaran

.... Petitioner

-VS-

1. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Campus,
Santhome High Road,
MRC Nagar,
Chennai – 600 028.
2. The Regional Director of Municipal Administration,
Kakitha Pattarai,
Vellore 12,
Vellore District.
3. The Commissioner,
Arcot Municipality,
Arcot,
Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Notice issued by the Third Respondent in Na. Ka. No. 1924/2018/A1 dated 06.11.2020 (received by the Petitioner on 17.11.2020) and quash the same and consequently direct the Respondents to forthwith waive the lease amount insofar as the lease period 2020-2021 for the collection of toll



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fee from the lorries and heavy vehicles which are entering into the Arcot Municipal limit during non-operative period from 26.03.2020 to 30.09.2020 and consequently direct the Third Respondent to refund the lease amount of Rs. 1,95,000/- paid by the Petitioner being the 50% of the lease amount for the lease period 2020-2021 and to issue work order to the Petitioner to commence the lease granted to the Petitioner.

For Petitioner : Ms. S.Hemalatha

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 & R2)

Mr. B.Anand (for R3)

ORDER

Heard Ms. S.Hemalatha, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. B.Anand, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was the successful bidder in the public auction in the tender for grant of rights to collect toll fee from lorries and other heavy vehicles entering into the municipal limits of the Third Respondent for the period



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2020-2021. The grievance ventilated by the Petitioner is that part of the lease amount for the said contract had been remitted in advance, but due to the lockdown on account of the COVID pandemic, the Petitioner was not able to operate the lease during that entire tenure. In the meanwhile, the Third Respondent by notice in Na. Ka. No. 1924/2018/A1 dated 06.11.2020 had called upon the Petitioner to make payment of the remaining amount due under that contract, which is assailed in this Writ Petition.

3. It has been brought to notice by Learned Counsel for the Petitioner that after the filing of the Writ Petition, the Government of Tamil Nadu has in G.O. (D) No. 337, Municipal Administration and Water Supply (MA.IV) Department dated 16.06.2023 granted certain waiver of the lease amount for the lockdown period during the COVID pandemic in respect of the properties belonging to urban and local bodies across the State and that the Petitioner is entitled to the said benefits and would be satisfied if orders are passed on the representation dated 25.11.2023 made by the Petitioner in that regard.

4. In view of the limited extent of relief confined by the Petitioner, this Court without expressing any view on the correctness or entitlement of the claim made by him, passes the following order:-



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- (i) the Third Respondent shall immediately examine the representation dated 25.11.2023 made by the Petitioner for extending the benefits granted in G.O. (D) No. 337, Municipal Administration and Water Supply (MA.IV) Department dated 16.06.2023 issued by the Government of Tamil Nadu;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 31.03.2024 before the Registrar (Judicial) of the Court.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

22.12.2023

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 15.02.2024.

kv/vjt

To

1. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Campus,
Santhome High Road,
MRC Nagar,
Chennai – 600 028.
2. The Regional Director of Municipal Administration,
Kakitha Pattarai,
Vellore 12,
Vellore District.
3. The Commissioner,
Arcot Municipality,
Arcot,
Vellore District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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**22.12.2023
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