



WEB COPY



Cont.P.No.1838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

Cont.P.No.1838 of 2022

in

W.P.No.16511 of 2021

M.Ponnusamy

... Petitioner

-Vs-

1. Mr.Shiv Das Meena, I.A.S.,
The Secretary to Government,
Department of Municipal Administration and
Water Supply, Secretariat,
St.George Fort, Chennai - 600 009.

2. Mr.Kumar Jayant, I.A.S.,
The Secretary to Government,
Revenue and Disaster Management,
Secretariat, St.George Fort,
Chennai - 600 009.

3. Mr.P.Ponniah, I.A.S.,
The Director of Municipal Administration,
11th Floor, Urban Administrative Building,
Opposite to CIBA Building,
Santhome High Road,
M.R.C.Nagar, Raja Annamalaipuram,
Chennai - 600 028.

4. Mrs.Sudha,
The Commissioner,
Namakkal Municipality,
Namakkal - 637 001.

... Respondents



Cont.P.No.1838 of 2022

Prayer : Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilful and deliberate disobedience of the order passed by this Court in W.P.No.16511 of 2021 dated 07.12.2021

For Petitioner : No appearance

For Respondents : Mr.V.Arun,
Additional Advocate General
Assisted by Mr.R.Kumaravel
Additional Govt. Pleader for R1 to R3
Mr.M.Rajamathivanan for R4

O R D E R

This contempt petition has been filed for the alleged disobedience of the order of this Court dated 07.12.2021 made in W.P.No.16511 of 2021.

2. Today when the contempt petition is taken up for hearing, Mr.V.Arun, learned Additional Advocate General appearing for the respondents 1 to 3 submits that, in compliance of the order of this Court as well as the order passed in other connected writ petitions, the Government have come forward to allot a sum of Rs.136,44,34,828/- for waiver of the lease amount for the lockdown period of COVID-19 of the year 2020-2021 and in this regard, he submitted that, the Government issued G.O(D)No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023 where *inter alia* the Government had stated the following:



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"7. The Government based on the decision as detailed at para 5 above and after careful examination of the proposal of Director of Municipal Administration, Greater Chennai Corporation and Director of Town Panchayats have decided to waive the payment of lease / rental amount of Rs.136,44,34,828/- (Rupees one hundred thirty six crore forty four lakh thirty four thousand eight hundred and twenty eight only) for the lock down period from 01.06.2020 to 31.08.2020 (first wave) and 01.05.2021 to 30.06.2021 (second wave) by the lessees in respect of the leased out properties of urban local bodies covering Greater Chennai Corporation, other corporations, municipalities and town panchayats, as detailed at para 6 above, subject to the condition that is restricted to those shops which were actually closed during lockdown periods; the benefit extended to only those tenants who don't have rental arrears / dues to the local bodies; and the State Government shall not bear the waiver amount in this regard at any circumstances, and order accordingly. Commissioners of concerned urban local bodies are requested to allow the waiver after due verification."

3. Mr.M.Rajamathivanan, learned counsel appearing for the fourth respondent Municipality by relying upon the proceedings issued by the



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Municipality dated 12.09.2023 has submitted that, the entire lease amount for the said period covered under the Government Order referred above to the extent of Rs.11,26,237/- in respect of the petitioner in the present case has been waived, that means, the rent or lease amount payable by the petitioner in respect of other period would be adjusted.

4. In view of the said submissions made by the learned Additional Advocate General as well as the learned counsel for the fourth respondent Municipality and after having gone through the copy of the G.O. as well as the compliance affidavit filed by the third respondent and the proceedings issued by the fourth respondent, I am of the view that, since the order of the writ Court have been complied with, this contempt petition need not be persuaded further.

5. With the result, this contempt petition is liable to be closed, accordingly, it is closed.

04.10.2023

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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