



WEB COPY



Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

and W.M.P.Nos.22638, 22644, 22647, 22698, 22699 of 2023

P.Dinesh Kumar

... Petitioner

Vs

1.The District Collector,
O/o.The District Collector,
Namakkal Distrit.

2.The Assistant Director,
O/o. Assistant Director (Town Panchayat),
Salem District Collector Office,
Salem.

3.The Executive Officer,
Vellur Town Panchayat,
Namakkal District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records in the proceedings of the 3rd respondent vide in Na.Ka.No.298/2023, dated 10.05.2023 and quash the same. Further directed the 3rd respondent to consider and reduction of the rent of the shop No.26 at New Bus Stand, Velur Town Panchayat, Namakkal District, in pursuant to petitioner representation dated 29.04.2023.



Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

3. The learned counsel appearing for the petitioner submitted that the petitioner deposited the rent at the agreed rate till March 2023 and he submitted a representation on 29.04.2023 requesting the 3rd respondent to give him waiver of the rent during Covid-19 lock down period. The said request of the petitioner was rejected by the 3rd respondent by impugned order on the ground that as per the tender conditions, there is no provision for waiver of the rent.

4. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2 produced the Government Order in G.O.(D).No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023 and submitted that as per the said G.O, the petitioner can claim waiver of rent for the periods from 01.06.2020 to 31.08.2020 and from 01.05.2021 to 30.06.2021.

5. Mr.P.Sanjay Gandhi, learned Government Advocate appearing for the 3rd respondent submitted that the petitioner was already



Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

granted two months waiver of rent as per G.O.D.No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020.

The learned counsel further submitted that the petitioner failed to pay rent from April 2023 to till date.

6. Even, as per Government Order in G.O.(D).No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023, the petitioner is entitled to waiver of rent for five months i.e., from 01.06.2020 to 31.08.2020 and from 01.05.2021 to 30.06.2021. Now, the petitioner submitted a representation before the 3rd respondent, seeking waiver of the rent and the same has been rejected by him only on the ground that there is no provision in the tender condition to grant waiver of rent.

7. In the light of the Government Order passed by the Government, the impugned order refusing waiver of the rent is liable to be set aside. Accordingly, the same is set aside, the 3rd respondent is directed to consider the representation submitted by the petitioner dated 29.04.2023 in the light of the benefit granted under G.O.(D).No.337, dated 16.06.2023



Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

and pass final order on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. In case, if already two months waiver was given to the petitioner as contended by the learned counsel appearing for the 3rd respondent, the same can also be taken into consideration and appropriate order shall be passed.

8. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

23.08.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

ub

To

1.The District Collector,
O/o.The District Collector,
Namakkal Distrit.

2.The Assistant Director,
O/o. Assistant Director (Town Panchayat),
Salem District Collector Office,
Salem.

3.The Executive Officer,
Vellur Town Panchayat,
Namakkal District.



WEB COPY



Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

S.SOUNTHAR, J.
ub

Writ Petition Nos.23094, 23096, 23098, 23100,
23150, 23153, 23154 of 2023

23.08.2023