



W.P. (MD).No.3274 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3274 of 2021
and
WMP(MD)No.2602 of 2021

P.Mohamed Ismail

... Petitioner

Vs

The Commissioner,
Kadayanallur Municipality, Tenkasi.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the respondent in Na.Ka. No.4003/2017/A3, dated 28.04.2020 and subsequent order in Na.Ka. 4003/2017/A3, dated 21.12.2020 and quash the same and further direct the respondent to refund the security deposit amount of Rs.3,00,000/- (Three Lakhs only).

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondent : Mr.Rajarajan



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ORDER

This Writ Petition has been filed challenging the impugned proceedings of the respondent, dated 28.04.2020 and the subsequent proceedings, dated 21.12.2020 and for further direction to the respondent to refund the security deposit of Rs.3,00,000/-.

2.Heard Mr.T.S.Mohamed Mohideen, learned Counsel appearing on behalf of the petitioner and Mr.M.Rajarajan, learned Counsel appearing for the respondent.

3.The case of the petitioner is that he was issued license to collect the user fee from the buses entering Kadayanallur Municipality Bus Stand for the period from 01.04.2018 to 31.03.2021. The petitioner paid the auction deposit of a sum of Rs.3,00,000/- and also paid a sum of Rs.3,75,000/- for the period 2018-2019 and a sum of Rs.3,93,750/- for the period 2019-2020. There is no dispute with regard to these facts.

4.The grievance of the petitioner is that the respondent Municipality had sent a notice dated 28.04.2020 calling upon the



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petitioner to pay Rs.4,20,072/- for the period 2020-21. Subsequently, yet another notice was issued on 21.12.2020 by taking into account G.O(D) No. 298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020 and the auction deposit amount was also given credit and the petitioner was directed to pay a sum of Rs.1,35,072/-. These two notices have been put to challenge in the present Writ Petition.

5.In the considered view of this Court, this Court has to take into consideration the two G.Os, viz., G.O(D)No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020 and G.O(D)No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023 and by virtue of these Government Orders, seven months waiver was given for the lease amount. In view of the same, there shall be a direction to the respondent to deal with the case of the petitioner in line with the above referred Government Orders and consider the claim made by the petitioner seeking for the refund to the petitioner. This process shall be completed within a period of four weeks from the date of receipt copy of this order.



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6.In view of the above terms, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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