



W.P.(MD)No.4300 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4300 of 2021

and

W.M.P.(MD)No.3480 of 2021

John Prabhakar Vimalraj

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Municipal Administration and Water Supply,
St.George Fort, Chennai-9.

2.The Director of Town Panchayats,
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-28.

3.The District Collector,
Tenkasi District.

4.The Executive Officer,
Special Grade Town Panchayat,
Courtallam, Tenkasi District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to refund the lease amount paid by the petitioner on 20.03.2020 with the fourth respondent for the period of 01.04.2020 to 14.12.2020 towards the lease



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amount for collection of entry fee at Children's Park, Courtallam or to extend the lease to the petitioner for collecting the entry fee at Children's Park, Courtrallam for the year 2021-2022 by adjusting the lease amount paid by the petitioner for the period 01.04.2020 to 14.12.2020 by considering the representation dated 27.01.2021 within the stipulated time.

For Petitioner : Mr.D.Venkatesh

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to refund the lease amount paid by the petitioner on 20.03.2020 on the ground that during the period from 01.04.2020 to 14.12.2020, the children's park remained closed and therefore, the petitioner was not able to collect any entry fee during this period. In the alternative, the petitioner has also sought for adjusting the lease amount already paid by him for the subsequent period by considering the representation dated 27.01.2021.

2.When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondents produced the written instructions received from the fourth respondent. On going through the



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same, it is seen that the children's park remained closed during the pandemic period. Hence, for the period from 2021-2022, the license was not given to anyone else and the petitioner was permitted to continue for one more year. Thereafter, during the year 2022-2023, the license was granted in favour of one Subramanian and he is now presently collecting license fee.

3.In view of the above, since the license period (ie., 2021-2022) of the petitioner has come to an end and thereafter, license has been issued in favour of another person for the subsequent period, the relief sought for by the petitioner cannot be granted by this Court.

4.This writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is also closed.

12.10.2023

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

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