



W.P. (MD).No.7710 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.7710 of 2021

and WMP(MD)Nos.5871, 8060, 8066, 5869 and 8068 of 2021

T.Ramesh

... Petitioner

Vs

1. The Govt. of Tamilnadu,
Rep by its Secretary to Government,
Municipal Administration and Water Supply Department,
St.George Fort,
Chennai – 600 009.
2. The Commissioner of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.
3. The District Collector,
Kanyakumari @ Nagercoil,
Kanyakumari District.
4. The Nagercoil Municipal Corporation,
166, Balamore Road , Nagercoil – 629 001,
Kanyakumari District,
Rep by its Municipal Commissioner.

... Respondents



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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 of the impugned demand notice of the 4th Respondent, dated 03.03.2021 and 25.03.2021 made in Na.Ka.No.7841/2017/A13 and quash the same and consequently forbear the respondents from demanding license fee from the Petitioner for the period from 24.03.2020 to 06.09.2020 and to reduce, revise and re-fix the license fee in a manner proportionate of Partial Lockdown with the opening time permitted for the period from 07.09.2020 to 31.12.2020 for Municipal Shop.No.23, Phase II, Vadasery Christopher Bus Stand, Nagercoil in view of COVID-19, Pandemic Government Total Lockdown Regulations.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.B.Saravanan(R1-R3)
Additional Government Pleader

Mr.P.Athimoolapandian (R4)
Standing Counsel

ORDER

The subject matter of challenge in the present writ petition pertains to the impugned demand notices issued by the fourth respondent, dated 03.03.2021 and 25.03.2021 and for a consequential direction to the respondents not to demand the licence fee for the period from 24.03.2020 to 06.09.2020 and to refix the licence fees for the said period and for reimbursement of licence fee to be paid by the petitioner in the month of



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April to June 2021.

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2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent.

3.It is not necessary to go into the issue involved in this writ petition by virtue of G.O(D) No. 337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023. Accordingly, there shall be a direction to the fourth respondent to consider the claim made by the petitioner in line with G.O(D) No. 337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023 and convey the decision to the petitioner within a period of four weeks from the date of receipt of copy of this order.

4.While concluding this order, it was brought to the notice of this Court there there is some difficulty in the prevailing system. The software that is available with the local bodies does not adjust the



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amount already paid towards the extended period of seven months(5+2 months). The amount that are paid for the subsequent period is adjusted towards the extended period and as a result, for the subsequent period, the system shows it as an arrear. The available system must only assist the local bodies and should not unnecessarily complicate the issue. Therefore, there shall be a direction to the first respondent to address this issue immediately and ensure that the system supports the smooth operation of the extension that was given under G.O(D) Nos. 298 and 337. The learned Additional Government Pleader shall specifically bring to the notice of the first respondent regarding the direction issued in this writ petition.

5.In view of the above terms, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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