



W.P. (MD).No.7958 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.7958 of 2021
and WMP(MD)No.6067 of 2021

P.Vembu

... Petitioner

Vs

The Commissioner,
Tenkasi 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 records pertaining to the order passed by the respondent in Na. Ka. No. 2620/2017/F1, dated 20/07/2020 and subsequent order in Na.Ka. 2620/2017/F1, dated 18/11/2020 and quash the same and further direct the respondent the caution and deposit and lease amount tuning Rs. 9,88,260/- paid for the lease period 2020-21 during Covid-19 period following the order passed in W.P (MD) No.339 and 1381 of 2021.

For Petitioner : Mr.T.S. Mohamed Mohideen

For Respondent : Mr.P.Athimoolapandian
Standing Counsel



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ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent, dated 20.07.2020 and the subsequent proceedings, dated 18.11.2020 and for further direction to the respondent to refund the auction deposit and the lease amount that was paid by the petitioner for the period from 2020 to 2021.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.The case of the petitioner is that he was issued license to collect the user fee at the old bus stand, Tenkasi for the period from 01.04.2018 to 31.03.2021. The petitioner paid an auction deposit of sum of Rs.2 lakhs. The petitioner paid the lease amount for the period from 2018 to 2019 and also 2019 to 2020. There is no dispute with regard to these facts. Insofar as the lease period from 01.04.2020 to 31.03.2021, the petitioner paid a sum of Rs.4,60,586/- excluding the auction deposit amount of Rs.2 lakhs.



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4.The grievance of the petitioner is that the respondent Municipality had sent a notice dated 20.07.2020 calling upon the petitioner to pay Rs.3,57,988 for the period 2020 to 2021. Subsequently, yet another notice was issued on 18.11.2020 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. 2,64,989/-. 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



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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.

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

No costs. Consequently, connected miscellaneous petition is closed.

28.11.2023

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

To

The Commissioner,
Tenkasi Municipality, Tenkasi.



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P. (MD).No.7958 of 2021
and WMP(MD)No.6067 of 2021**

28.11.2023