



W.P.(MD)No.23567 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23567 of 2023

and

W.M.P.(MD)Nos.19762, 19763 and 19765 of 2023

Thanushkumar

... Petitioner

versus

1. State of Tamil Nadu,
Rep. by the Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai – 600 009.
2. The Director,
Directorate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai – 600 028.
3. The District Collector,
Office of the District Collector,
Virudhunagar District.



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4. The Commissioner,
Office of the Commissioner,
Rajapalayam Municipality,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order issued by the respondent No.4 in Na.Ka.No.A1/947/2015 dated 12.09.2023 and quash the same as illegal, consequently direct the respondent No.4 to extend the time period for the payment of third year lease due amount be payable by the petitioner on 31.12.2023 relating to collecting toll in two wheeler parking stand attached to Rajapalayam Old Bus Stand in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 to R3 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R4 : Mr.N.Dilip Kumar

ORDER

This writ petition is filed challenging the order issued by the 4th respondent in Na.Ka.No.A1/947/2015 dated 12.09.2023, calling upon the petitioner to pay the third year lease due amount of Rs.3,10,053/-.



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2. The learned counsel appearing for the petitioner submits that the petitioner has obtained lease for running the payable two wheeler cycle parking at Rajapalayam Old Bus Stand through Public auction conducted by the 4th respondent, for the period from 25.01.2021 to 24.01.2024. The petitioner has deposited a sum of Rs.2,25,000/- towards the lease, which is refundable after the lease period and also paid a sum of Rs.3,81,000/- for the first year lease term. For the second year lease term, he has also paid a sum of Rs.4,00,050/-. The second year lease period ended on 24.01.2023. Therefore, the petitioner was called upon to pay third year lease amount with the hike of 5 percent as an amount of Rs.4,20,053/-. According to him, the 4th respondent Municipality has commenced renovation work in the old Bus Stand from the month of January 2023 and therefore, the buses are not allowed inside the Bus Stand. In view of the same, the petitioner is not in a position to earn revenue. Hence, he has paid only a portion of third year lease term amount of Rs.1,10,000/-. Now, the respondents has



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issued a notice calling upon the petitioner to pay the balance amount of Rs.3,10,053/- within a period of three days from the date of receipt of that order. Aggrieved over that, the present writ petition has been filed.

3. The learned counsel for the petitioner further submits that the petitioner, without any default, has paid the lease amount for the past two years. For the third year, he is facing certain difficulty that too in view of the renovation work which has commenced from January 2023. Therefore, he has made a request for concession in paying the third year lease amount. But, the said request has not been considered by the 4th respondent. Now, the 4th respondent, by impugned order dated 12.09.2023, directed the petitioner to pay the third year lease due amount of Rs.3,10,053/-, failing which, the shop will be locked from 25.09.2023. Hence, the petitioner is before this Court.

4. The learned Standing Counsel appearing for the 4th respondent Municipality submits that though the bus stand has been shifted, the



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shopping complex are functioning as usual and the petitioner is also running his cycle stand as usual. He further submits that the renovation work has been commenced from the month of January 2023, at that time, the petitioner has not raised any objection. Thereafter, the petitioner has belatedly requested for concession of third year lease amount. The third year lease amount is Rs.4,20,053/-. The petitioner ought to have paid that amount on or before 25.01.2023. However, in view of the renovation work, the petitioner has paid a sum of Rs.1,10,000/-. The Municipality has given some concession to the petitioner and not insisted for payment of entire lease amount immediately. Even thereafter, the petitioner has not paid the lease amount and therefore, this impugned order has been passed.

5. This Court considered the rival submissions and perused the materials available on record.

6. The petitioner has obtained lease for running the payable two



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wheeler cycle parking at Rajapalayam Old Bus Stand for the period from 25.01.2021 to 24.01.2024. Now, the 4th respondent Municipality has commenced the renovation work from the month of January 2023. In the event the petitioner have not received any revenue from the cycle stand in view of the renovation work, he ought to have made a request for cancelling the licence. Instead, he has continued to run the cycle stand and paid a part amount of third year lease amount of Rs.1,10,000/- and for the balance amount of Rs.3,10,053/-, he was given concession for the past eight months. Further, the petitioner's licence will get expired on 24.01.2024.

7. At this juncture, the learned counsel appearing for the petitioner submits that at the time of getting licence, the petitioner has also deposited a sum of Rs.2,25,000/- with the 4th respondent and the said amount may be adjusted with the third year lease amount to be paid by the petitioner.



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8. In response to the same, the learned Standing Counsel appearing for the 4th respondent submits that after adjusting the deposit amount of Rs.2,25,000/-, the petitioner has to pay a sum of Rs.85,053/- along with interest and tax.

9. In view of the same, this writ petition is disposed of with a direction to the petitioner to pay a sum of Rs.85,053/- (Rupees eighty five thousand and fifty three only) together with interest and tax within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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To

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2. The Director,
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3. The District Collector,
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B.PUGALENDHI, J.

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