



W.P(MD)No.26068 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26068 of 2023

and

W.M.P.(MD).Nos.22416 & 22417 of 2023

P.Krishnan

... Petitioner

Vs.

1.The Commissioner,
Periyakulam Municipality,
Periyakulam, Theni District.

2.The Manager,
Periyakulam Municipality,
Periyakulam,
Theni District.

3.The Revenue Inspector,
Periyakulam Municipality,
Periyakulam, Theni District.

4.The Inspector of Police,
Vadakarai Police Station,
Theni District.

5.Thiru Siva Kumar

6.Jayapal

7.Kalai

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus , calling for the records relating to the impugned order of 1st respondent in Na.Ka.No.2043/2021/A2, dated 13.07.2023 and quash the same and consequently direct the 1st respondent herein to renew the second year lease of the petitioner on 5% hike of first year lease amount from 22.12.2023 expiring on 21.12.2024 in respect of Sl.Nos.11 and 12 of the Tender Agenda issued by the 1st respondent herein in 2022-23 with simultaneous action against respondents 5 to 7 herein.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.N.Dilipkumar,
Standing Counsel.
(For R1 & R-2)

Mr.M.Siddharthan,
Additional Government Pleader.
(For R-3)

Mr.Albert James
Government Advocate (Criminal Side).
(For R-4)

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Standing Counsel appearing for the Periyakulam Municipality-Respondent Nos.1 and 2, the learned Additional Government Pleader appearing for the third respondent and the learned



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Government Advocate (Criminal Side) appearing for the fourth respondent. Issuance of notice to Respondent Nos.5 to 7 is dispensed with.

2. The Periyakulam Municipality granted license to the petitioner to enjoy the usufructuous from the silk cotton trees standing in Endapulipatti. The license was for a period of three years commencing from the year 2022. The petitioner has to pay the license fee up-front and one year in advance. The petitioner had paid the first year license fee only in instalments. The second fee should have been paid quite some time back. Since the petitioner delayed in remitting the second year license fee, the impugned final notice dated 13.07.2023 came to be issued.

3. I am not in a position to interfere with the impugned notice, but then, considering the special facts and circumstances of the case, the petitioner is given four (4) more weeks from today to pay 50% of the demand amount. Unless, the petitioner remits 50% of the amount within a period of four (4) weeks, the petitioner cannot be allowed to



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enjoy the fruits of the license. The remaining amount will have to be necessarily paid on or before **30.12.2023**. I do not want to go into other aspects raised by the writ petitioner as against the Municipality.

4. Accordingly, the Writ Petition is disposed of. In case of any default on the part of the petitioner, the benefit of this order conferred to the petitioner would stand vacated automatically without further reference of this Court. No costs. Consequently, the connected miscellaneous petitions are closed.

02.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
tsg

Note : Issue Order Copy by 03.11.2023

To
1.The Revenue Inspector,

4/6



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Periyakulam Municipality,
Periyakulam,
Theni District.

2.The Inspector of Police,
Vadakarai Police Station,
Theni District.

G.R.SWAMINATHAN, J.



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