



WA.No.2029 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE K.KUMARESH BABU**

**W.A.No.2029 of 2022
and CMP.No.15325 of 2022**

Tamil Nadu Horticultural Producers
Cooperative Enterprises Limited (TANHOPE),
Represented by its Managing Director,
Agriculture Department Complex-1,
Chepauk, Chennai-600 005.

... Appellant

vs.

1.A.P.Karuppiah,

2.The Government of Tamil Nadu,
Rep by its Agriculture Production Commissioner,
and Secretary to Government of Tamil Nadu,
Agriculture and Farmers Welfare Department,
Fort St.George, Chennai.

3.The Special Officer and Commissioner of
Horticulture and Plantation Crops,
Horticulture Department,
Chepauk, Chennai-600 005.

.. Respondents

PRAYER: Writ Appeal filed under under Clause 15 of the Letters Patent against



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the order dated 03.02.2022 passed in W.P.No.28429 of 2021.

For Appellant : Mr.S.Rajendran

For Respondents : Mr.M.A.Aruneshe
for Mr.A.V.Arun for R1

Mr.V.Manoharan,
Additional Govt .Pleader for R2 & R3

JUDGMENT

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This Intra Court appeal has been filed directed against the order dated 03.02.2022 made in W.P.No.28429 of 2021.

2. The learned counsel for the appellant contended that the Government Order in G.O.(D)No.298, Municipal Administration and Water Supply (MA IV) Department dated 02.09.2020, is not binding on the appellate Cooperative Society and therefore, appellant Society is not liable to give waiver of two months rent to the first respondent/writ petitioner.



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3. We are of the view that when the Government has passed G.O.No.298 dated 02.09.2020 for waiver of 2 months rent, if eligible, only on extraordinary circumstance like the Covid 19 Pandemic where lock-down notification was issued during the said pandemic period, after examining genuine request made by the tenants under the Government Departments and local bodies etc. According to the appellant, the aforesaid Government Order will not bind on the appellant Cooperative Society and therefore, the respondents cannot rely upon the said Government Order.

4. We are of the view that though the said Government Order may not be binding on the appellant Society, under extraordinary circumstances such as Covid-19 Pandemic period, entire business operations throughout the country came to a standstill due to lockdown notifications and the waiver of rent was granted by the Government through the aforesaid Government Order is only for two months. In such circumstances, the appellant Society cannot deviate from the decision taken by the Government and they have to consider for waiver of two



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months rent as per the decision of the Government and take pass appropriate orders.

5. Accordingly, this Court, in the interest of tenants/lease holders, directs the Managing Director of the appellant Society, which comes under the second respondent /Agriculture Department to consider and pass necessary orders for granting exemption or waiver of two months rent as per the decision of the Government in G.O.(D)No.298, Municipal Administration and Water Supply (MA IV) Department dated 02.09.2020, taking into sympathetic consideration of the situation that prevailed during Covid-19 pandemic period.

6. The Writ Appeal stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (K.B., J.)
02.07.2024

Intex : Yes/No
Internet : Yes/No
Jvm



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1. Agriculture Production Commissioner,
The Government of Tamil Nadu,
Agriculture and Farmers Welfare Department,
Fort St.George, Chennai.
- 2.The Special Officer and Commissioner of
Horticulture and Plantation Crops,
Horticulture Department,
Chepauk, Chennai-600 005.



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