



WEB COPY



W.P.No.21975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21975 of 2024

N.Ganesh Raja

... Petitioner

-Vs-

The Commissioner,
Udumalpet Municipality,
Kuttaithidal,
Udumalpet-642126.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 06.05.2024 seeking to waive the payment of rental amount for the first wave of Covid 19 lockdown period 01.06.2020 to 31.08.2020 and second wave lockdown period 01.05.2021 to 01.06.2021 in respect of rental collection for shops bearing shop No.10,11 situated at Central bus stand, Udumalpet and refund the wavier amount to the petitioner with 12% interest.

For Petitioner : Mr.N.Umapathi

For Respondent : Dr.T.Seenivasan
Special Government Pleader

ORDER



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WEB COURT
This writ petition has been filed for direction directing the respondent to consider the representation of the petitioner dated 06.05.2024 seeking to waive the payment of rental amount for the first wave of Covid 19 lockdown period 01.06.2020 to 31.08.2020 and second wave lockdown period 01.05.2021 to 01.06.2021 in respect of rental collection for shops bearing shop No.10,11 situated at Central bus stand, Udumalpet and refund the wavier amount to the petitioner with 12% interest.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was leased out a shop bearing No.10 and 11, situated at Central Bus Stand, Udumalpet by the respondent on monthly rent at Rs.42,716/- . During Covid 19, there was lockdown and even then the petitioner had paid the rents for all the months without fail. While being so, there were so many representations from the shop to waive the rent during Covid 19 period.

4. Considering the said request, the Government passed an order in G.O.Ms.No.337 Municipal Administration and Water Supply (MA.IV)



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Department, dated 16.06.2023, thereby ordered as follows:-

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“ 7. The Government based on the decision as detailed at para 5 above and after careful examination of the proposal of Director of Municipal Administration, Greater Chennai Corporation and Director of Town Panchayats have decided to waive the payment of lease/rental amount of Rs.136,44,34,828/- (Rupees one hundred thirty six crore forty four lakh thirty four thousand eight hundred and twenty eight only) for the lock down period from 01.06.2020 to 31.08.2020 (first wave) and 01.05.2021 to 30.06.2021 (second wave) by the lessees in respect of the leased out properties of urban local bodies covering Greater Chennai Corporation, other corporations, municipalities and town panchayats, as detailed at para 6 above, subject to the condition that it is restricted to those shops which are actually closed during lockdown periods; the benefit extended to only those tenants who don't have rental arrears/ dues to the local bodies; and the State Government shall not bear the waiver amount in this regard at any circumstances, and order accordingly, Commissioners of concerned urban local bodies are requested to allow the waiver after due verification.”

5. In view of the above order, the petitioner submitted a detailed representation to waive the payment of rental amount during the lockdown period and it is pending on the file of the respondent.

6. In view of the above, the respondent is directed to consider the representation submitted by the petitioner to waive the payment of rental amount for the period 01.06.2020 to 31.08.2020 and 01.05.2021 to 01.06.2021 as Covid-19 lockdown period, in the light of G.O.Ms.No.337 Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023 and



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pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

06.08.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn



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To

The Commissioner,
Udumalpet Municipality,
Kuttaithidal,
Udumalpet-642126.



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G.K.ILANTHIRAIYAN. J,

mn

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