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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP Nos.23921, 23925, 23929, 23931, 23933, 23937, 23938, 23939, 23942, 23943, 23944, 23945, 23947, 23948, 23949, 23951, 23952, 23953, 23955, 23956, 23958, 23960, 23961, 23964, 23969, 23973, 23976, 23977 and 23980 of 2023

And

WMP Nos.23431, 23437, 23438, 23439, 23441, 23442, 23443, 23444, 23445, 23446, 23447, 23448, 23450, 23452, 23453, 23456, 23457, 23458, 23461, 23462, 23463, 23466, 23467, 23469, 23474, 23477, 23480, 23483 and 23485 of 2023

K.Chidambaram	.. Petitioner in WPs 23921, 23929, 23958&23973/2023
K.Kirubakaran	.. Petitioner in WPs 23925,23961& 23980/2023
S.Nagarajan	.. Petitioner in WPs 23931& 23977/2023
M.Khayum Kham	.. Petitioner in WPs 23937, 23938, 23947& 23969/2023
Ganeshamurthy	.. Petitioner in WP 23933/2023
K.Ganesan	.. Petitioner in WP 23939/2023



S.Shanmugasundaram

.. Petitioner in WP 23942/2023

J.Venkatesh

.. Petitioner in WP 23943/2023

S.Vasudevan

.. Petitioner in WP 23944/2023

P.Govindharajan

.. Petitioner in WP 23945/2023

R.Sundarrajan

.. Petitioner in WP 23948/2023

M.Senthilkumar

.. Petitioner in WP 23949/2023

K.Palanisamy

.. Petitioner in WP 23951/2023

P.Rajendran

.. Petitioner in WPs 23952&
23976/2023

L.Chandrasekar

.. Petitioner in WP 23953/2023

P.Ayyasamy

.. Petitioner in WP 23955/2023

V.Shanthi

.. Petitioner in WP 23956/2023

Mahalakshmi Paper Store,
Represented by its V.Gurusamy,
S/o.M.Venkdasamy,
Shop No.14, New Commercial Complex,
Regulated Market,
Tiruppur-641 604.

.. Petitioner in WP 23960/2023

M.Mani

.. Petitioner in WP 23964/2023

-VS-



1.The Secretary and Agricultural Production Commissioner,
Department of Agriculture and Farmers Welfare,
Secretariat,
Chennai-9.

2.The Director,
Agricultural Marketing and Agri Business Department,
Guindy Industrial Estate, SIDCO,
Guindy,
Chennai-600 032.

3.The Secretary,
Tiruppur Regulated Marketing Committee,
Tiruppur.

.. Respondents in all WPs

Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Certiorarified Mandamus, calling for the records of first respondent impugned Letter No.21312/AM3(1)/2022-6, dated 09.03.2023 and quash the same, consequently direct the respondents to waive the rent for the total lockdown period from 01.04.2020 to 06.09.2020 and for the subsequent period the rent may be reduced, revised and re-fixed till 04.07.2021.

For Petitioner in all WPs : Mr.S.Kousik

For Respondents-1 and 2
in all WPs : Mr.N.Naveenkumar,
Government Advocate.

For Respondent-3 in all WPs: Mr.C.Kathiravan,
Special Government Pleader.



COMMON ORDER

The rejection of the claim of the writ petitioners for waiver of rent for the lockdown period from 01.04.2020 to 06.09.2020, is under challenge in these writ petitions.

2. The petitioners are the tenants in occupation of the shops and stalls in the Tiruppur Regulated Market Area.

3. The grievances of the petitioners are that the Municipalities, Town Panchayats for grant of benefit of waiver of rent by the Government in G.O.(D) No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020 during Covid-19 lockdown period. Accordingly, the petitioners also submitted their representations to the Authorities to grant waiver of rent during the lockdown period.



4. Earlier, the petitioners filed writ petitions and this Court directed the Government to consider the representations of the petitioners and to pass orders on merits.

5. Accordingly, the Government considered the request of the petitioners in detail and formed an opinion that the shops are constructed by Tiruppur Market Committee based on Government Order and let out on monthly rental basis in the rent fixed by the Executive Engineer, Tamil Nadu State Agricultural Marketing Board as per Section 89 (3) of Tamil Nadu Agricultural Produce Marketing (Regulation) Rules, 1991.

6. Due to spread of Covid-19, the Government of Tamil Nadu in G.O.Ms.No.172, Revenue and Disaster Management Department, dated 25.03.2020, has issued directions for complete lockdown. From 24.03.2020. the shops and buildings in Tiruppur Market Committee were closed as per the Government Order. The tenants were not asked to pay the rent during the lockdown period and thereafter the return of normalcy and when the shops were functioning normally the tenants were informed to pay the rent for the



lockdown period. However, the petitioners have not paid their rent as of now.

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7. The Market Committee is functioning under Tamil Nadu Agricultural Produce Marketing (Regulations) Act, 1987 and its Rules, 1991, the waiver of rent for the shops functioning on rental basis in Market Committee are not provided under the Act and the Rules.

8. The Government Order issued in G.O.Ms.No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020, do not apply to Tiruppur Market Committee functioning under the Department of Agricultural Marketing and Agri business.

9. Therefore, the waiver of rent granted by the Government for consideration of certain other shops cannot be applied to Tiruppur Market Committee. Thus the cases referred by the petitioners are not applicable to Tiruppur Market Committee and as far as the Tirupput Market Committee is concerned, there is no such waiver of rent granted by the Government and hence the claim of the petitioners are unsustainable.



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10. This Court is of the considered opinion that the Government granted waiver of rent and further extended certain benefits by way of policy decisions. Such decisions are taken in the public interest and to mitigate emergency circumstances during Covid-19 pandemic period. Therefore, general exemptions cannot be granted, which would result in financial constraints to the Government. More-so, the decision for grant of waiver of rent is to be taken by the Government and the Court cannot in exercise of the powers of judicial review, extend the benefit of waiver of rent to be paid in accordance with law.

11. This being the principles, the claim of the petitioners since rejected by the Government, this Court cannot grant waiver of rent in exercise of the powers of judicial review. Therefore, the respondents are at liberty to recover the rent as applicable by following the due process of law.

12. Thus, the writ petitions are devoid of merits and stand



dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1.The Secretary and Agricultural Production Commissioner,
Department of Agriculture and Farmers Welfare,
Secretariat,



Chennai-9.

2.The Director,
Agricultural Marketing and Agri Business Department,
Guindy Industrial Estate, SIDCO,
Guindy,
Chennai-600 032.

3.The Secretary,
Tiruppur Regulated Marketing Committee,
Tiruppur.

S.M.SUBRAMANIAM, J.

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WP Nos.23921 of 2023 etc. b



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23958, 23960, 23961, 23964, 23969,
23973, 23976, 23977 and 23980 of 2023**

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