



W.P.(MD)No.903 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.903 of 2022

and

W.M.P.(MD)Nos.745 and 747 of 2022

Balaji

... Petitioner

Vs.

- 1.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai.
- 2.The Commissioner,
Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai.
- 3.The Regional Director of Municipal Administration,
Melakkal Road, Kochadai, Madurai District.
- 4.The Commissioner,
Palani Municipality,
Anna Nagar, Palani,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records pertaining to impugned demand notice dated 17.12.2021 issued by the 4th respondent herein and quash the same as illegal and consequently direct the 4th respondent to extend the two wheeler parking to the Petitioner.

For Petitioner : Mrs.A.Banumathy

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.L.P.Maurya for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner was granted license to run two wheeler parking stand in Palani Municipal limits. The petitioner was to pay a sum of Rs.16,70,000/- for the first year with progressive enhancement for the subsequent two years. The learned standing counsel would state that the total amount would come to Rs.52,64,675/-. The license period commenced on 01.01.2019 and was to expire on 31.12.2021. Unfortunately, pandemic struck in the middle of March 2020. The learned counsel for the petitioner would submit that for over 18 months, the parking stand was deserted and on account of strict lockdown restrictions, the petitioner could not enjoy the fruits of license. The learned



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standing counsel on other hand would contend that the petitioner will be granted benefit only to the extent permitted by the various government orders issued by the Government of Tamil Nadu from time to time. According to the respondents, the petitioner's liability has been quantified at Rs.15,13,582/-.

3.I had occasion to deal with the very same issue in a case arising from Kanyakumari District. I had held that the licensees will have to be granted the benefit of waiver for the period when there was total lockdown. The order passed by me was confirmed by the Hon'ble Division Bench in W.A.(MD)No.220 of 2021. Aggrieved by the same, SLP was filed before the Hon'ble Supreme Court and interim order regarding refund alone was granted. The larger issue is still pending adjudication before the Hon'ble Supreme Court in S.L.P.Nos.7792 and 7793 of 2022. The respondents will not initiate any coercive steps against the petitioner. The petitioner's rights will abide by the order to be passed by the Hon'ble Supreme Court.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

23.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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