



W.P.(MD)No.1474 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.1474 of 2021

and

W.M.P.(MD)Nos.1263 and 1265 of 2021

S.Karuppasamy

...Petitioner

Vs.

1. The Commissioner for Municipal Administration,
Ezhilagam,
Chepauk,
Chennai.

2. The Commissioner,
Sivakasi Municipality,
Sivakasi,
Virudhunagar District.

... Respondents

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 made by the second respondent in his proceedings in Na.Ka.No.0310/2020/A4 dated 14.10.2020 and quash the same as illegal and further direct the respondents to consider the petitioner representation dated 12.12.2020 within the time stipulated by this Court.



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For Petitioner : Mr.E.Marees Kumar
For R1 : Mr.V.Om Prakash
Government Advocate
For R2 : M/s.S.Devasena
Standing Counsel

ORDER

The Writ Petition is directed against the impugned notice issued by the second respondent dated 14.10.2020 and for directions to the respondents to consider the writ petitioner's representation dated 12.12.2020 within the time stipulated by this Court.

2. Heard the learned counsel appearing for the writ petitioner, the learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

3. The case of the writ petitioner is that the writ petitioner was given licence to collect entry fee from the motor vehicles and carts which were entering the Anna Daily Market in Sivakasi and that the second respondent has issued a notice dated 14.10.2020 directing the writ petitioner to pay lease amount of Rs.7,03,419/- for the period 2020-2021



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(excluding April 2020 and May 2020). This notice has been put to challenge in the present Writ Petition.

4. When the matter is taken up for hearing today, the learned counsel appearing for the writ petitioner has cited a decision of this Court in W.P.(MD)No.3274 of 2021, wherein also, with regard to same issue, the writ petitioner therein has filed the above writ petition and a learned Judge has directed the respondent therein to deal with the case of the writ petitioner therein in line with the Government Orders viz., G.O(D)No. 298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020, which gives exemption for two months and G.O(D)No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023, which gives exemption for five months.

5. At this juncture, the learned Standing Counsel appearing for the respondent would submit that the writ petitioner is certainly entitled to get the benefits under the above said Government Orders and the second respondent may be directed to consider the same and pass orders in accordance with the above said Government Orders.



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6. Recording the submissions made on either side, the second respondent is hereby directed to consider the case of the writ petitioner in accordance with the Government Orders above referred and also consider the claim made by the writ petitioner seeking for the refund and that the said process shall be completed within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

03.07.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Commissioner for Municipal Administration,
Ezhilagam,
Chepauk,
Chennai.

2. The Commissioner,
Sivakasi Municipality,
Sivakasi,
Virudhunagar District.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.1474 of 2021
and
W.M.P.(MD)Nos.1263 and 1265 of 2021

Dated : 03.07.2024