



W.P.(MD)No.1623 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 31.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.1623 of 2024

A.P.S.Nagaraj

...Petitioner

/Vs./

1.The District Collector,
Dindigul, Dindigul District.

2.The Assistant Director,
District Assistant Director (Municipality) Office,
Dindigul District.

3.The Executive Officer,
Ayyalur Municipality,
Dindigul District.

4.The President,
Ayyalur Municipality,
Dindigul District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to consider the petitioner's representation seeking extension of the petitioner's license for the period of 6 months by considering the losses incurred by the petitioner in Ayyalur Municipality, Vedasanthur Taluk, Dindigul District based on the petitioner's representation dated 07.12.2023 in accordance with law, within the time stipulated by this Court.



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For Petitioner : Mr.M.Vignesh Kumar

For Respondents : Ms.K.Christy Thebaral (R1, R2 & R4)

Additional Government Pleader

Mr.SRA.Ramachandran (R3)

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the second and third respondents to consider the petitioner's representation seeking extension of the petitioner's license for the period of 6 months by considering the losses incurred by the petitioner in Ayyalur Municipality, Vedasanthur Taluk, Dindigul District based on the petitioner's representation dated 07.12.2023 in accordance with law, within the time stipulated by this Court.

2. Heard the learned counsel appearing on either side. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner has obtained licence for collecting amount for parking of the vehicles for a period of three years,



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which comes to an end on 31.03.2024. In the years 2021 & 2022, a complete curfew was effected and at that time, there were no markets and shops. Hence, the petitioner could not collect any amount for parking of the vehicles for the said period. Hence, the petitioner seeks for extension of his licence period for a further period of six months. In this regard, the petitioner sent a representation to the respondents. Since the same has not been considered till date, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents by producing the proceedings of the third respondent in Na.Ka.No. 20 of 2024 dated 30.01.2024 submits that some lease amount has been waived for a period of two months from 01.04.2020 to 31.05.2020 as per the Government Order in G.O.(D)No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020, which has also been produced before this Court and hence, there cannot be any further waiver of the lease amount. He further states that the petitioner's claim is made only for the period 2021-2022 and not for 2019-2020 and hence, his case cannot be considered.

5. As per the aforesaid Government Order, the respondents waived the lease amount for a period of two months. The authorities can act as per the GO



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only. A notice was also issued regarding renewal of tender/auction for the year 2023-24 for the very same place and there was also demand of amount to be paid on or before 28.02.2024.

6. Considering the facts and circumstances of this case, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the representation made by the petitioner 07.12.2023 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. however, the petitioner is permitted to participate in the tender / auction, if he is advised to do so.

7. With the above direction, the Writ Petition stands disposed of. No costs.

31.01.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
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