



W.P(MD)Nos.1941, 2061 and 2065 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.1941, 2061 and 2065 of 2021

and

W.M.P.(MD)Nos.1661, 1662, 1735, 1737, 1739 and 1740 of 2021

A.Ramesh

...Petitioner in
W.P(MD)No.
1941 of 2021

M.Selvakumar

...Petitioner in
W.P(MD)No.
2061 of 2021

K.Anbazhagan

...Petitioner in
W.P(MD)No.
2065 of 2021

Vs.

The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur.

... Respondent
in all the
petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified



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Mandamus, to call for the records relating with the demand notice dated 30.12.2020, issued by the respondent and quash the same as it is arbitrary and illegal and in consequence to direct him to reissue the demand notice after deducting the lease rent for 6 months or to extend the period of lease for 6 months after receiving the amount as per his demand, in view of the lockdown due to the Covid-19 pandemic.

(in all the petitions)

For Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.A.Kannan
Standing Counsel

COMMON ORDER

These Writ Petitions are directed against the impugned orders passed by the respondent dated 30.12.2020 and for consequential direction to the respondent to revise and refix the demand for the period 2020-2021, in view of the Covid pandemic lock down.

2. Heard the learned counsel appearing for the writ petitioners and the learned Standing Counsel appearing for the respondent.

3. The case of the writ petitioners is that they were given licence to collect fee from the users of public pay and use toilet, users of two



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wheeler stand and collect entrance from the users/public respectively at bus stand in Bodinayakkanur, that the respondent has issued the notices dated 30.12.2020 directing the writ petitioners to pay lease amount of Rs.8,08,133/-, Rs.3,76,504/- and Rs.2,71,215/- respectively for the period 2020-2021 and these notices have been put to challenge in the present Writ Petitions.

4. When the matter is taken up for hearing today, the learned counsel appearing for the writ petitioners 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.



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

6. Recording the submissions made on either side, the respondent is hereby directed to consider the case of the writ petitioners in accordance with the Government Orders above referred 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, these Writ Petitions stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

08.04.2024

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



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To
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1. The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur.



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K.MURALI SHANKAR, J

csm

Common Order made in
W.P.(MD)No.1941, 2061 and 2065 of 2021
and
W.M.P.(MD)Nos.1661, 1662, 1735, 1737, 1739 and 1740 of 2021

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