



W.P.(MD)No.3140 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.3140 of 2021
and
W.M.P.(MD)Nos.2497 and 2499 of 2021

M.Srinivasan

...Petitioner

Vs.

The Commissioner,
Bodinaickanoor Municipality,
Bodinaickanoor Post,
Theni District.

... Respondent

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 records pertaining to the impugned demand notice dated 30.12.2020 issued by the respondent and quash the same as illegal and unconstitutional and consequently allow the petitioner to continue his Tea Stall business in the Shop No.1 situated at New Bus Stand, Bodinaickanoor, Theni District.

For Petitioner : Mr.K.Neelamegam

For Respondent : Mr.M.Karuppasamy
Standing Counsel



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ORDER

The Writ Petition is directed against the impugned notice issued by the respondent dated 30.12.2020 and for allowing the writ petitioner to continue his Tea Stall business in the Shop No.1 situated at New Bus Stand, Bodinaickanoor, Theni District.

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

3. The case of the writ petitioner is that the writ petitioner was running a tea stall in the shop No.1 belonging to Bodinaickanoor Municipality and that the respondent has issued a notice dated 30.12.2020 directing the writ petitioner to pay lease amount of Rs.1,88,800/- for the period December 2019 to March 2021. 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,



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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 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 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.



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7. With the above direction, this Writ Petition stands disposed of.

Consequently, connected Miscellaneous Petitions are closed. No costs.

12.06.2024

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

To

1.The Commissioner,
Bodinaickanoor Municipality,
Bodinacikanoor Post,
Theni District



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K.MURALI SHANKAR, J

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Order made in
W.P.(MD)No.3140 of 2021
and
W.M.P.(MD)Nos.2497 and 2499 of 2021

Dated : 12.06.2024