



W.P(MD)No.6689 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.6689 of 2021
and
W.M.P.(MD)No.5158 of 2021

Kuppuraj

...Petitioner

Vs.

The Commissioner,
Melur Municipality,
Melur – Post & Taluk,
Madurai 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 in Na.Ka.No.76/2021/A2 on the file of Commissioner, Melur Municipality, Melur dated 22.02.2021 and quash the same and further direct the respondent to waive lease amount for Covid-19 pandemic lock down period from 25.03.2020 to November 2020 or to adjust for future lease amount for the period 01.04.2021 to 31.03.2022.

For Petitioner : Mr.R.Ilayaraja

For Respondent : Mr.A.Pandiarajan
Standing Counsel



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ORDER

The Writ Petition is directed against the impugned notice issued by the respondent dated 22.02.2021 and for consequential direction to the respondent to waive lease amount for Covid-19 pandemic lock down period from March-2020 to November-2020 or to adjust for future lease amount for the period from 01.04.2021 to 31.03.2022.

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 given licence to collect daily fees for daily market and 106 stalls in the market of Melur Municipality, that the writ petitioner has already paid lease amount for the period from 01.04.2020 to 31.03.2021 to the tune of Rs.73,53,000/-, that thereafter, the writ petitioner has sent a representation dated 18.01.2021 to the respondent requesting to exempt the lease amount for the period 2020-2021 for six months, for which, the respondent has sent a notice dated 18.01.2021 stating that as per the Government Order in G.O(D)No.298, Municipal Administration and



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Water Supply (MA.IV) Department, dated 02.09.2020, lease amount for the months of April-2020 and May-2020 was exempted and that the lease amount for the above said two months is not waived so far or adjusted for the future period.

4. It is further case of the writ petitioner that the respondent has issued the impugned notice dated 22.02.2021 directing the writ petitioner to pay lease amount of Rs.78,75,996/- for the period 2021-2022. This notice has been put to challenge in the present Writ Petition.

5. 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.



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6. 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.

7. 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.

8. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

15.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

1. The Commissioner,
Melur Municipality,
Melur – Post & Taluk,
Madurai District.



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K.MURALI SHANKAR, J

csm

**Common Order made in
W.P.(MD)No.6689 of 2021
and
W.M.P.(MD)No.5158 of 2021**

Dated : 15.04.2024