



W.P(MD)No.14204 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14204 of 2020

and

W.M.P.(MD)No.11861 of 2020

N.Sivabalan

... Petitioner

Vs.

1.The Chairman and Managing Director (FAC)
Poombugar Shipping Corporation Limited,
No.692, (Old No.473), Annasalai,
4th Floor, Nandhanam,
Chennai-35.

2.The Manager,
Poombugar Shipping Corporation,
Kanyakumari Ferry Service,
Agastheeswaram Block,
Kanyakumari-629 702.

... 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 respondents herein to exempt the petitioner from the payment of canteen Rent amount during the closure period of Kanyakumari Ferry Service, Kanyakumari and to consider based on the petitioner's representation dated 15.5.2020.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : no appearance



W.P.(MD)No.14204 of 2020

ORDER

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Heard the learned counsel for the petitioner. Though the respondents have been served and their names are also printed in the cause list, they have not chosen to enter appearance.

2. The petitioner was granted license to manage the canteen at Kanyakumari Ferry Service, Kanyakumari by the respondent corporation. The copy of the work order dated 13.01.2020 issued by the Chairman and Managing Director, Poombugar Shipping Corporation Limited has been enclosed in the typed set of papers. It is seen therefrom that the petitioner was to pay a sum of Rs.35,500/- including GST with effect from 15.01.2020 for five years. In the last week of March 2020, Pandemic struck the nation. The Government enforced strict and total lockdown. The question that calls for consideration is whether the petitioner should be exempted from the payment of canteen rent during the closure period. The petitioner has enclosed the copy of G.O.(D).No. 298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020 which provides for waiver of payment of lease/rental amount for the period from 01.04.2020 to 31.05.2020. I take judicial notice of the fact that the lockdown continued even thereafter. I had held vide order dated 01.02.2021 in W.P.(MD)No.19619 of 2020 that the licensees cannot be called



W.P(MD)No.14204 of 2020

upon to pay the license fee when they had been restrained for even opening their shops. This order was confirmed by the Hon'ble Division Bench also in W.A.(MD)No.960 of 2021. But the local body had taken the matter on appeal to the Hon'ble Supreme Court. An interim order was passed by the Hon'ble Supreme Court also. When the Hon'ble Supreme Court is seized of the issue, it may not be proper for this Court to pass any comprehensive order.

3. The Writ Petition is therefore disposed of by directing the respondents not to take any coercive action against the petitioner in respect of the petitioner's liability to pay the license fee during the closure period. The respondent Corporation will pass a speaking order afresh based on the order to be passed by the Hon'ble Supreme Court and the petitioner has to necessarily abide by the same.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.14204 of 2020

G.R.SWAMINATHAN, J.

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W.P(MD)No.14204 of 2020

14.02.2024