



W.P(MD)No.22157 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22157 of 2021

and

W.M.P.(MD)Nos.18727, 18730 of 2021 and 18552 of 2023

Usilampatti Nagara Perunthu Nilaya Kadai
Viyabarigal Sangam,
represented by its Secretary

...Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary,
Department of Municipal, Administration &
Water Supply,
Fort St.George,
Chennai-09.

2. The District Collector,
Madurai,
Madurai District.

3. The Usilampatti Municipality,
represented by its the Commissioner,
Usilampatti Municipal Office,
Usilampatti, Madurai.

... Respondents



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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 notice dated 28.10.2021 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to adjust the rent paid by the members of petitioner association during the period of the COVID-19 pandemic lockdown towards license fee for the period from 01.04.2021 to 31.03.2022 for the shops at Usilampatti Bus stand within the time stipulated by this Court.

For Petitioner : Mr.Mahaboob Fazil
for M/s.Lajapathi Roy and Associates

For R1 & R2 : Mr.A.K.Manikkam
Special Government Pleader

For R3 : Mr.K.Mahendran

ORDER

The Writ Petition is directed against the impugned notice issued by the third respondent dated 28.10.2021 and for consequential direction to the respondents to adjust the rent paid by the members of the writ petitioner association during the period of the COVID-19 pandemic lockdown towards license fee for the period from 01.04.2021 to 31.03.2022 for the shops at Usilampatti Bus Stand within the time stipulated by this Court.



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2. Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The case of the writ petitioner-Association is that the writ petitioner-Association is formed for the welfare of the merchants, who have shops in Usilampatti Bus Stand, Madurai District and were given licence for the operation of shops in the said bus stand and that the third respondent has issued the notice dated 28.10.2021 directing the writ petitioner-Association to pay lease amount of Rs.43,032/- for the period 2021-2022 and 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, 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.



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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 counsel appearing for the third respondent would submit that the writ petitioner-Association is certainly entitled to get the benefits under the above said Government Orders and the third 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 third respondent is hereby directed to consider the case of the writ petitioner-Association in accordance with the Government Orders above referred and also consider the claim made by the writ petitioner-Association 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.

26.07.2024

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

To

1. The Secretary,
Government of Tamil Nadu,
Department of Municipal, Administration &
Water Supply,
Fort St.George,
Chennai-09.
2. The District Collector,
Madurai,
Madurai District.
3. The Usilampatti Municipality,
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K.MURALI SHANKAR, J

csn

Common Order made in
W.P.(MD)No.22157 of 2021
and
W.M.P.(MD)Nos.18727, 18730 of 2021 and 18552 of 2023

Dated : 26.07.2024