



W.P.No.2916 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2916 of 2021
and W.M.P.No.3266 of 2021

Farook Basha

... Petitioner

Vs.

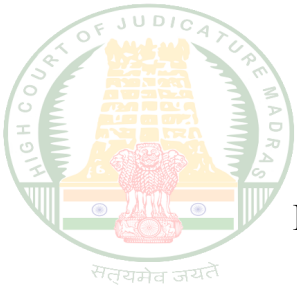
1.The Commissioner,
Vellore city Municipal Corporation,
Vellore – 632 001.

2.The Assistant Commissioner,
Vellore City Municipal Corporation,
Vellore – 632 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of impugned notice dated 29.01.2021 issued by the second respondent, which is received on 30.01.2021, and quash the same and consequently to direct the respondents to reduce the lease amount by excluding lockdown period of 6 months i.e., from March 2020 to September 2020 towards the Shop No.8 (1408) situated at New sitting Bazaar, Vellore – 632 004 by considering the abnormal Covid-19 pandemic situation.

For Petitioner : Mr.T.Saravanan



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For Respondents 1 & 2 : M/s.P.Shanthi,
Standing Counsel

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ORDER

The petitioner has filed this petition to call for the records of impugned notice dated 29.01.2021 issued by the second respondent, which is received on 30.01.2021, and quash the same and consequently to direct the respondents to reduce the lease amount by excluding lockdown period of 6 months i.e., from March 2020 to September 2020 towards the Shop No.8 (1408) situated at New sitting Bazaar, Vellore – 632 004 by considering the abnormal Covid-19 pandemic situation.

2. Learned counsel for the petitioner submitted that the petitioner started a sweet shop viz., “Babu Sweets” along with his paternal uncle V.W.Mohamad Jiavudeen, who died in the year 2015. After his demise, the petitioner is running the business and paying a monthly lease of Rs.39,391/- for the said shop. Due to Covid-19 pandemic in the year 2020, the Government of India has announced lockdown, which made the petitioner to close his shop from March 2020 to September 2020. Moreover, the



petitioner has also faced so much loss in his business. At this juncture, the second respondent has sent a notice dated 29.01.2021 stating that the petitioner should pay a sum of Rs.4,48,860/- as rental arrears upto January 2021 on or before 05.02.2021, failing which the shop will be sealed and action has been taken as per the lease rules. Challenging the said notice dated 29.01.2021, the petitioner has come forward with the present writ petition.

3. Learned standing counsel appearing for the respondents would submit that the case of the petitioner has to be considered in accordance with G.O.(D).No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020.

4. Heard the learned counsel on either side and perused the materials available on record.

5. In view of the above submission made by the learned standing counsel appearing for the respondents, this Court directs the first respondent



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to consider the case of the petitioner in the light of G.O.(D).No.298, Municipal Administration and Water Supply (MA.IV) Department, dated 02.09.2020 and other Government Orders, which was issued in regard to the said issue, within a period of eight weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

03.03.2025

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The Commissioner,
Vellore city Municipal Corporation,
Vellore – 632 001.
- 2.The Assistant Commissioner,
Vellore City Municipal Corporation,
Vellore – 632 001.
Salem District.

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J.SATHYA NARAYANA PRASAD,J.

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