



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 42679 of 2025

1. Mr.B.Vijayabaskar
S/o.Balu, No.174, Bajanai Koil
Street,Thirupathikundram,Kancheepuram
District.

...Petitioner(s)

Vs

1. The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St.George, Chennai 600 009.

2.The Commissioner of Municipal
Administration,
No.78m Urban Administrative Building,
Santhome High Road, Chennai 600 028.

3.The District Collector,
Collector Office, Kancheepuram District.

4.The Commissioner,
Office of Kancheepuram City Municipal
Corporation, Kancheepuram, Kancheepuram
District.

(R4- *Suo-motu* amended as per order dated
13.11.2025 in W.P.No.42679 of 2025)

...Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent to consider and dispose of petitioner representation dated 01.09.2025 and to refund the lease amount for the remaining 113 days of the lease period within a time frame to be fixed by this Hon'ble Court.



For Petitioner(s): Mr.D.Padmanabhan

For Respondent(s): Dr.T.Seenivasan
Special Government Pleader
(For R1 & R2)

Mr.L.S.M.Hasan Faizal
Additional Government Pleader
(For R3)

Mr.R.A.Gopinath
Standing Counsel
(For R4)

ORDER

The petitioner has wrongly shown 4th respondent/The Commissioner, Office of Kanchipuram City Municipal Corporation as The Commissioner, Office of Kanchipuram Municipality. Obviously, a typographical error. The rank of the fourth respondent will be amended from "The Commissioner, Office of Kanchipuram Municipality" to "The Commissioner, Office of Kanchipuram City Municipal Corporation". The Registry is directed to carry out the amendments before issuance of the order.

2. The petitioner was a bidder for taking the right to collect fees in Rajaji Daily Market on license. He was successful in the bid. He was granted the contract for the period 2018–19 to 2020–21. The petitioner initially paid a sum of Rs. 34,70,000/-. Thereafter, he increased it by 5% and was granted an extension for a further period of one year. Unfortunately, during the course of execution of the contract, COVID-19 pandemic intervened. Hence, the petitioner could not collect for a period of 173 days. The closure of the market was on account of the directions given by the State and Central



Governments, directing lockdown to prevent the spread of the virus.

3. Finding that he could not exploit the contract for the entire period, he made a request for a refund of the lease amount. As there was no response, he came before this Court by way of Writ Petition No. 28 of 2021. The writ petition was ordered, directing the petitioner to make a fresh representation to the respondents to pass orders within a period of three months. Despite the same, no action has been forthcoming.

4. In the meantime, similarly placed persons had moved the Madurai Bench of this Court and obtained an order, directing refund of the amounts for the period of 113 days, the period covered by the lockdown. The Commissioner of the concerned Municipality felt aggrieved by the order of the learned Single Judge and preferred an appeal before the Division Bench. The Bench confirmed the order of the Single Judge and directed refund. Against the said order, the Commissioner preferred Special Leave Petitions before the Supreme Court in SLP Nos. 7792 and 7793 of 2022. After hearing both sides, the Supreme Court dismissed the SLPs on 12.02.2025. The Court granted three months time to the Commissioner to refund the amount.

5. The petitioner places reliance upon the said order and seeks a similar direction. When the matter came up for admission, Mr.R.A.Gopinath, took notice for the fourth respondent. He got instructions and reported to this Court that the Commissioner, Kanchipuram Corporation, will grant the refund for a period of 113 days, in line with the orders of the Supreme Court. As the statement of the counsel might not be fully binding



on the parties, I called upon Mr.Gopinath, to file an undertaking affidavit of the
Commissioner.

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6. Accordingly, when I took up the matter today, Mr.Gopinath, has filed the affidavit of the Commissioner, Kanchipuram City Municipal Corporation. The affidavit is scanned and extracted hereunder:



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W. P. No. 42679 Of 2025

Mr. B. Vijayabaskar, S/o Balu,
No.174, Bajanai Koil Street,
Thiruppathikundram,
Kancheepuram District,

.. Petitioner

-VS-

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
No. 78, Urban Administrative Building,
Santhome High Road,
Chennai- 600028.
3. The District Collector,
Collector Office,
Kancheepuram District.
4. The Commissioner,
Office of Kancheepuram Municipality,
Kancheepuram,
Kancheepuram District.

.. Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 4th RESPONDENT
KANCHEEPURAM CITY MUNICIPAL CORPORATION

I, K. Balasubramanian, son of Mr. Kuttiyappa Gounder Hindu aged about 54 years, having office at Kancheepuram City Municipal Corporation, Kancheepuram- 631 501, now temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

Page: 1.
Corr.: ✓


Commissioner
Kancheepuram City Municipal Corporation



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1. I am The Commissioner of the Kancheepuram City Municipal Corporation, the 4th Respondent herein and such I am well acquainted with the facts and the circumstance of the case from the records.
2. I submit that the petitioner has filed this Writ Petition in the nature of WRIT OF MANDAMUS or any other appropriate writ or order or direction of a like nature directing the 4th respondent to consider and dispose of petitioner's representation dated 01.09.2025 and to refund the lease amount for the remaining 113 days of the lease period within a time frame to be fixed by this Hon'ble Court.
3. I submit that in a similar matter, the Commissioner, Ottanchathiram Municipality, had filed Special Leave Petitions (SLP Nos. 7792-9993 of 2022) challenging the impugned order dated 25.03.2022 passed in W.A. (MD) No. 220 of 2021, wherein a specific direction was issued to release the payment within a period of three months. In the present case also, the petitioner has approached the 4th respondent seeking refund of the lease amount for the unexpired period of 113 days. In view of the order passed in the aforesaid SLPs, this respondent undertakes before this Hon'ble Court that the payment shall be released within a period of eight weeks.
4. In the above said circumstance it is therefore prayed that this Hon'ble Court may be pleased to accept this counter affidavit and to pass suitable orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this the 12th day of November, 2025, Signed his name in my presence.

2nd Last Page Corrections. *nrj*

[Signature]
Commissioner
Kancheepuram City Municipal Corporation
Before me,

[Signature]
Advocate, Chennai.

R. AYYAPPAN.
ADVOCATE 3988/12
175, New Addl. Law Chambers
High Court Buildings
Chennai - 600 104.

7. The undertaking given in paragraph No.3 is recorded.

8. The writ petition is disposed of in terms of the undertaking. However, there shall



be no order as to costs.



13-11-2025

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Note: *Registry is directed to carry out the necessary amendments in the cause title.*

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Secretary To Government

Municipal Administration And Water Supply
Department, Fort St. George, Chennai 600 009

2. The Commissioner Of Municipal
Administration,

No. 78m Urban Administrative Building,
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Collector Office, Kancheepuram District

4. The Commissioner

Office Of Kancheepuram City Municipal
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V.LAKSHMINARAYANAN, J.

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