



W.P.(MD) Nos.9330 & 9331 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.9330 & 9331 of 2022

and

W.M.P.(MD) Nos.6689, 6690, 6691 & 6694 of 2022

S.Sundarraaj.

... Petitioner in both W.Ps

Vs

1. The District Collector,
Collectorate Office,
Thanjavur.

2. The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.

... Respondents in both W.Ps

PRAYER IN BOTH W.Ps: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned demand notice issued by the second respondent by his proceedings in Na.Ka.No.1888/2021/A7 dated 20.04.2022 and quash the same as illegal and consequently, direct the respondents to adjust the rent paid by the petitioner during the pandemic period of 11 months from



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19.03.2020 to 11.12.2020 and 09.01.2022 to 26.02.2022 and permit the petitioner to continue to collect the rent for the remaining period of 2021 - 2022 in the fish market and fish cutting and cleaning shops, respectively, situated at Thanthai Periyar Meen Angadi, Thiruvudaimaruthur Road, Near annammal Hospital, Kumbakonam, Thanjavur District.

For petitioner : Mr. K.Mahendran
(in both W.Ps)

For respondents : Mr.K.R.Badurus Zaman
(in both W.Ps) Government Advocate for R1
Mr.M.Rajarajan
Standing Counsel for R2

COMMON ORDER

By this common order, these two Writ Petitions have been disposed of at the time of admission with the consent of the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. In these Writ Petitions, the petitioner has challenged the impugned demand notice issued by the second respondent demanding the amounts from the petitioner towards the rents payable by the petitioner for a period mentioned therein:



S.No.	W.P.(MD) Nos.	Purpose	Period	Amount
1	W.P.(MD) No. 9330 of 2025	Fish Market	2021-22	Rs.6,27,650/-
2	W.P.(MD) No. 9331 of 2022	Fish cutting and cleaning shops	2021-22	Rs.1,29,350/-

3. The petitioner was a successful bidder in response to the tender floated by the respondents on 22.01.2019 for collecting daily charges for the following items:

ஏலம் மற்றும் ஒப்பந்தப்புள்ளி இனங்களின் பட்டியல்				
வ. எண்	ஏலம் / ஒப்பந்தப்புள்ளி இனங்களின் விபரம்	ஏல / ஒப்பந்தப்புள்ளி கோர செலுத்த வேண்டிய பொறுப்புத் தொகை ரூ.	தாக்கல் செய்ய வேண்டிய சொத்து மதிப்பு சான்றிதழ் (01.01.2019க்கு பிறகு பெறப்பட்டவையாக இருக்க வேண்டும்) ரூ.	சொத்து மதிப்பு சான்றிதழ் அளிக்காவிடில் செலுத்த வேண்டிய கூடுதல் பொறுப்புத் தொகை ரூ.
1	நேரு மொத்த காய்கறி அங்காடி அறிஞர் அண்ணா சில்லறை காய்கறி அங்காடியில் உள்ள கடைகளில் தினசரி வாடகை மற்றும் நுழைவுக் கட்டணம் வசூலிக்கும் உரிமம்.	50,00,000	1,00,00,000	50,00,000
2	தந்தை பெரியார் மீன் அங்காடியில் உள்ள அனைத்து கடைகளில் தினசரி கட்டணம் வசூலிக்கும் உரிமம்.	1,00,000	5,00,000	1,00,000
3	தந்தை பெரியார் மீன் அங்காடியில் மீன்கள் வெட்டி எத்தம் செய்யும் வெட்டுக்கட்டைகளுக்கு தினசரி கட்டணம் வசூலிக்கும் உரிமம்.	25,000	1,00,000	25,000
4	பாக்பர் மூர்த்தி சாலையில் உள்ள ஆடுகள் வதை செய்யும் கூடத்தில் தினசரி நுழைவு கட்டணம் வசூலிக்கும் உரிமம்.	50,000	1,00,000	50,000



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4. It is the case of the petitioner that though the petitioner was a successful bidder and was awarded a contract on 22.07.2019 for a period from 01.08.2019 to 30.07.2022, since during continuous and intermittent lockdown till the end of 2022, which was a predominantly long period of time, the business was completely shut down, the petitioner is entitled to redemption from the rent payable.

5. That apart, it is submitted that the respondents have demanded excess rent by adding 5% to the bid amount for the succeeding two years, even though there is no stipulation in the tender document or in the order of the respondents in awarding the contract to the petitioner.

6. According to the petitioner, the petitioner was required to pay only Rs.19,80,220/- after deducting the waiver given for a period of two months during 2021. The total amount that has to be paid by the petitioner is Rs.18,70,000/- and as against the same, the petitioner has paid a sum of Rs.12,43,000/- insofar as the daily collection and thus, the total balance was only Rs.5,27,000/-.



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7. As far as the fish cutting and cleaning shop is concerned, again there has been a rise in the licencing. However, the petitioner is required to pay only Rs.1,08,000/-.

8. It is submitted that for a lockdown period of 13 months, the respondents have given only waiver for two months and for 11 months, the respondents have demanded the amounts and appropriated the amounts already paid. The amounts payable by the petitioner for the respective works, according to the petitioner, are as follows:

For fish Market:

Years	License Fee	2 Months waiver	After deducting waiver	Paid amount	Caution deposit	Balance amount
2019-20	Rs.6,60,000/-		Rs.6,60,000/-	Rs.6,60,000/-		
2020-21	Rs.6,60,000/-	Rs.1,10,000/-	Rs.5,50,000/-	Rs.5,50,000/-		
2021-22	Rs.6,60,000/-		Rs.6,60,000/-	Rs. 33,000/-		
Total	Rs.19,80,000/-		Rs.18,70,000/-	Rs.12,43,000/-	Rs.1,00,000/-	Rs.5,27,000/-

For fish cutting and cleaning shops:

Years	License Fee	2 Months waiver	After deducting waiver	Paid amount	Caution deposit	Balance amount
2019-20	Rs.1,40,000/-		Rs.1,40,000/-	Rs.1,40,000/-		
2020-21	Rs.1,40,000/-	Rs.23,333/-	Rs.1,16,667/-	Rs.1,16,667/-		
2021-22	Rs.1,40,000/-		Rs.1,40,000/-	Rs. 33,000/-		
Total	Rs.4,20,000/-		Rs.3,96,667/-	Rs.2,63,667/-	Rs.25,000/-	Rs.1,08,000/-



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9. On the other hand, the learned Government Advocate for the respondents submits that the petitioner is required to pay Rs.12,43,000/- and Rs.2,63,667/- as detailed below:

For fish Market:

Years	Demand	Covid-19 waiver	Demand to be paid	Amount paid by the Writ Petitioner
2019-20	Rs.6,60,000/-		Rs.6,60,000/-	Rs.3,30,000/-
2020-21	Rs.6,93,000/-	Rs.1,10,000/-	Rs.5,93,000/-	Rs.4,30,000/-
2021-22	Rs.7,27,650/-		Rs.7,27,650/-	Rs.4,83,000/-
Total	Rs.20,80,650/-		Rs.19,70,650/-	Rs.12,43,000/-

For fish cutting and cleaning shops:

Years	Demand	Covid-19 waiver	Demand to be paid	Amount paid by the Writ Petitioner
2019-20	Rs.1,40,000/-		Rs.1,40,000/-	Rs. 70,000/-
2020-21	Rs.1,47,000/-	Rs.23,333/-	Rs.1,23,667/-	Rs. 70,000/-
2021-22	Rs.1,54,350/-		Rs.1,54,350/-	Rs.1,23,667/-
Total	Rs.4,41,350/-		Rs.4,18,017/-	Rs.2,63,667/-

10. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

11. There is no justification in imposing licence fee on the petitioner for a



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period during which there was a complete lockdown, as there was a commercial impossibility for the petitioner to open the market and operate under the licence.

12. That apart, during the lockdown period, there could have been a drastic fall in the sale of food items, particularly in the fish markets. Therefore, the respondents are required to either accept the amounts payable by the petitioner as tabulated above or in the alternative, re-determine the amounts payable by the petitioner in proportion to the period during which the fish market was operated during the period when the country was under continuous and intermittent lock down.

13. With regard to the amounts due payable by the petitioner, the petitioner admits for a sum of Rs.5,27,000/- and Rs.1,08,000/-. However, it is noticed that after this Writ Petition was filed, the Government issued G.O.(D) No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023, waiving the payment of lease/rent for the lockdown period from 01.06.2020 to 30.08.2020 (first wave) and from 01.05.2021 to 30.06.2021 (second wave) by the lessees in respect of the leased-out properties of urban local



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bodies, covering the Greater Chennai Corporation, other Corporations, Municipalities and Town Panchayats.

14. A reading of the aforesaid G.O. indicates that the waiver of payment of lease/rent for the lockdown period, granted under G.O.(D) No.298, Municipal Administration and Water Supply (MA.IV) Department, for a period of two months, has been extended to five months.

15. Following the same, the Assistant Commissioner of the respondent Corporation, by communication dated 05.08.2025 bearing Na.Ka.No. 1888/2021/A7, addressed to the learned counsel for the petitioner, has stated that a sum of **Rs.2,83,250/-** had been waived as per G.O.(D) No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023 and that a sum of Rs.1,00,000/- deposited by the petitioner while participating in the tender, had been deducted. Accordingly, the Assistant Commissioner called upon the petitioner to pay a sum of **Rs.3,44,400/-** in respect of the Fish Market.

16. Therefore, since the amount of **Rs.3,44,400/-** is lower than the amount



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admitted by the petitioner to be payable, i.e., **Rs.5,27,000/-**. Therefore, the revised amount of **Rs.3,44,400/-** is confirmed. The petitioner shall pay the same within a period of six weeks from the date of receipt of a copy of this order.

17. As far as the Fish Cutting and Cleaning Shops are concerned, it appears that no consideration has been given in the said communication dated 05.08.2025. The respondents are directed to pass a fresh order in respect of the Fish Cutting and Cleaning Shops, in line with G.O.(D) No.337, Municipal Administration and Water Supply (MA.IV) Department, dated 16.06.2023, within a period of twelve weeks from the date of receipt of a copy of this order.

18. The petitioner shall pay the amount to be determined by the respondents in respect of the Fish Cutting and Cleaning Shops within a period of six weeks thereafter.

19. In case the petitioner fails to pay the amount of **Rs.3,44,400/-** in respect of the Fish Market and the amount to be determined by the respondents, the respondents are at liberty to proceed against the petitioner in accordance with law.



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20. These Writ Petitions are disposed of with the above observations. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

28.08.2025

To

1. The District Collector,
Collectorate Office,
Thanjavur.
2. The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.



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