



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.02.2015

CORAM

THE HONOURBLE **MR.JUSTICE B.RAJENDRAN**

W.P(MD).No.2142 of 2015

and

M.P.(MD).No.1 of 2015

S.Stanly

... Petitioner

Vs.

The Sub Collector / District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Nagercoil,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondent from recalling the confirmation of the tender vide Na.Ka.No.045/B/2014 dated 29.01.2015 in collecting empty liquor bottles and also proposal of selling eatables in the bar without any notice and enquiry forthwith in the proposed bar adjacent to the TASMAC shop No.4813, Karungal Village, Kanyakumari District.

For petitioner	: Mr.S.Palanivelayutham
For Respondent	: Mr.M.Muniasamy

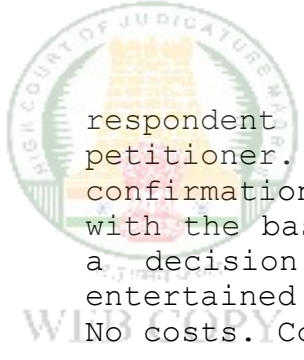
O R D E R

The petitioner seeks for a Writ of Mandamus forbearing the respondent from recalling the confirmation of the tender vide Na.Ka.No.045/B/2014 dated 29.01.2015 in collecting empty liquor bottles and also proposal of selling eatables in the bar without any notice and enquiry forthwith in the proposed bar adjacent to the TASMAC Shop No.4813, Karungal Village, Kanyakumari District.

2. The only grievance of the petitioner is that after the confirmation was made, the authorities are trying to recall the confirmation of the tender only on the ground that the petitioner is unable to get 'No Objection Certificate' from the owner of the premises. Therefore, he has come forward with the present writ petition.

3. The learned Standing counsel appearing for the respondent clearly pointed out that it is a condition precedent that the petitioner should get a 'No Objection Certificate' from the owner of the premises to conduct the bar or to collect the bottles.

4. In this case, before confirmation, on 29.01.2014, he was given a notice calling upon him to produce the 'No Objection Certificate' and he was not able to produce the same. Therefore, as per the Rules, the



respondent has got every right to reject the tender offered to the petitioner. The writ petition first of all is premature one and the confirmation order has so far not been cancelled. But he has not complied with the basic requirements. Therefore, the authorities will have to take a decision in accordance with law. This Writ Petition cannot be entertained at this stage. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

akv

To

The Sub Collector / District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Nagercoil,
Kanyakumari District.

+1cc to MR. S.PALANIVELAYUTHAM, ADVOCATE IN SR NO. 7756

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18.02.2015

RG.19.03.2015 2P.3C.