

In the High Court of Judicature at Madras

Dated : 15.6.2016

Coram

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition Nos.4443 to 4447 of 2015 &
all connected pending MPs

S.Murugesan

...Petitioner in
WP.4443/2015

N.C.Lakshmi Narashimman

...Petitioner in
WP.4444/2015

M.Pasupathy

...Petitioner in
WP.4445/2015

T.Sathish

...Petitioner in
WP.4446/2015

P.J.Vijay

...Petitioner in
WP.4447/2015

Vs.

1.The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Rep. by the Board of Directors,
"Thalamuthu Natarajan Maaligai"
Gandhi-Irwin Road, Chennai-8.

2.The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Rep. by the Managing Director,
"Thalamuthu Natarajan Maaligai"
Gandhi-Irwin Road, Chennai-8.

3.The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
rep.by the Senior Regional Manager,
"L.L.A Buildings", Anna Salai,
Chennai-2.

...Respondents
in all the WPs

4.The Tamil Nadu State Marketing
Corporation Limited (TASMAC) rep.by
the District Manager, Kancheepuram (South),
Kancheepuram-631502. ...R4 in WP.
4443/2015

5.The District Manager, Tamil Nadu State
Marketing Corporation Limited
(TASMAC), Kancheepuram (North),
Industrial Estate, Thirumazhisai
Kancheepuram District-600123. ...R4 in WPs.
4444 to 4447/2015

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus (i) to call for the records relating to the order of the 4th Respondent dated 31.12.2014 in Na.Ka. No.488/R6/2014, quash the same and consequently direct the respondents to fix the upset price for the petitioner's shop No.4023 at Rs.2,59,488/- for 2014-2015 (WP.No.4443 of 2015); (ii) to call for the records relating to the Bar Upset Price list of 2014-2015 issued by the 4th Respondent dated Nil, quash the same only in so far as it relates to the petitioner's Shop No.4076 and consequently direct the respondents to fix the upset price for the petitioner's Shop No.4076 at Rs.78,295/- for 2014-2015 (WP.No.4444 of 2015); (iii) to call for the records relating to the order of the 4th Respondent dated 16.12.2014 in Na.Ka.No.556/R8/2014, quash the same and consequently direct the respondents to fix the upset price for the petitioner's Shop No.4346 at the rate of 2.5% on the actual sales of the year 2013-2014 (WP.No.4445 of 2015); (iv) to call for the records relating to the Bar Upset Price list of 2014-2015 issued by the 4th Respondent dated Nil, quash the same only in so far as it relates to the petitioner's Shop No.4372 and consequently direct the respondents to fix the upset price for the petitioner's Shop No.4372 at Rs.73,812/- for 2014-2015 (WP.No.4446 of 2015); and (v) to call for the records relating to the Bar Upset Price list of 2014-2015 issued by the 4th Respondent dated Nil, quash the same only in so far as it relates to the petitioner's Shop No.4117 and consequently direct the respondents to fix the upset price for the petitioner's Shop No.4117 at Rs.1,34,284/- for 2014-2015 (WP.No.4447 of 2015).

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.B.Nedunchezhiyan

COMMON ORDER

Heard both. By consent, the writ petitions are taken up for final disposal.

2. In this writ petitions, the petitioners seek to quash the Bar Upset Price List for 2014-2015 issued by the fourth respondent and in some cases, the consequential orders and consequently, direct the respondents to fix the upset price for the shops of the respective petitioners at particular rates.

3. An identical prayer was considered by this Court in a batch of cases, which were filed during 2014. After hearing the parties in detail, the writ petitions were disposed of by a common order dated 23.12.2014, by directing the respondents to consider the petitioners' representations in an objective manner and pass appropriate orders.

4. The petitioners herein also sought for a similar relief in these writ petitions. However, these writ petitions are pending without any interim order and in the interregnum, the petitioners are operating the shops by paying the charges at the old rate. In my view, by efflux of time, the challenge to the impugned proceedings has become academic.

5. In the counter affidavits filed by the respondents in the earlier writ petitions, it has been pointed that the respondents cannot fix the upset price based on the whims and fancies of the individuals, as it would result in loss of revenue.

6. The stand taken by the respondents is perfectly justified, since the respondents are bound to realise best possible revenue to the Government, while granting contracts in favour of an individual. Since the impugned orders were passed in 2014, this Court is of the view that the respondents should take immediate steps for fixing the upset price in a proper manner and bring the shops for re-auction. While doing so, the representations given by the petitioners shall also be taken into consideration. The above direction shall be complied with by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petitions are dismissed with the above direction. No costs. Consequently, all connected pending MPs are also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.Board of Directors,
The Tamil Nadu State Marketing Corporation Limited (TASMAC),
"Thalamuthu Natarajan Maaligai"
Gandhi-Irwin Road, Chennai-8.
- 2.The Managing Director,
The Tamil Nadu State Marketing Corporation Limited (TASMAC),
"Thalamuthu Natarajan Maaligai"
Gandhi-Irwin Road, Chennai-8.
- 3.The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Limited (TASMAC),
"L.L.A Buildings", Anna Salai,
Chennai-2.
- 4.The District Manager,
The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Kancheepuram (South), Kancheepuram-631502.
- 5.The District Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC), Kancheepuram (North), Industrial Estate,
Thirumazhisai
Kancheepuram District-600123.

1 cc to Mr.B.Nedunchezhiyan, Advocate, sr.33042

RS

WP.Nos.4443 to 4447 of 2015
& all connected pending MPs

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