

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5306 of 2015

and

M.P.Nos.1 to 3 of 2015

C.Palaniappan

.. Petitioner

Vs.

1. The Tamil Nadu State Marketing Corporation Limited
(TASMAC)
Rep. By the Board of Directors
"Thalamuthu Natarajan Maaligai"
Gandhi-Irwin Road
Chennai - 600 008
2. The Tamil Nadu State Marketing Corporation Limited
(TASMAC)
Rep. By the Managing Director
"Thalamuthu Natarajan Maaligai"
Gandhi-Irwin Road
Chennai - 600 008
3. The Tamil Nadu State Marketing Corporation Limited
(TASMAC), rep by the Senior Regional Manager
"L.L.A Buildings"
Anna Salai, Chennai - 600 002
4. The Tamil Nadu State Marketing Corporation Limited
(TASMAC)
Rep. By the District Manager
Kancheepuram (North)
Industrial Estate, Thirumazhisai
Kancheepuram District - 600 123

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified mandamus to call for the records relating to the Bar Upset Price list of 2014-2015 issued by the fourth respondent dated "Nil" and quash the same only in so far as its relates to the Petitioner's shop No.4486 and consequently direct the respondents to fix the upset price for the petitioner's Shop No.4486 at Rs.86,298/- for 2014-2015.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.B.Nedunchezhiyan

O R D E R

Heard Mr.K.Selvaraj, learned counsel appearing for the petitioner and Mr.B.Nedunchezhiyan, learned Counsel accepting notice for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petitions are taken up for final disposal.

2.In this Writ Petition, the petitioner seeks quashing of the Bar Upset Price List for 2014-2015 issued by the fourth respondent and consequently, direct the respondent to fix the upset price for Petitioner's Shop No.4486 at Rs.86,298/- for 2014-2015.

3.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 petitioner herein also sought for similar relief in this Writ Petition. However, this Writ Petition is pending without any interim order and in the interregnum the petitioner is 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, 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, representations given by the petitioner shall also be taken into considerations. The above direction be complied with by the respondents, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is dismissed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gpa

To

1. The Board of Directors
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road Egmore
Chennai-600 008.
2. The Managing Director
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road Egmore
Chennai-600 008.
3. The Senior Regional Manager
The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
L.L.A. Buildings
Anna Salai, Chennai-600 002.
4. The District Manager
The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Kancheepuram (North)
Industrial Estate, Thirumazhisai,
Kancheepuram.

1 cc to Mr.K. Selvaraj, Advocate, Sr. 30304

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KS (CO)
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