

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.06.2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.964 to 972 of 2015
and connected M.Ps

M.Deepan ...Petitioner in WPs.964 & 965/2015
N.Kuttailingam ... Petitioner in WP.966/2015
K.Satish Kumar ... Petitioner in WP.967/2015
R.Kaleeswaran ... Petitioner in WP.968/2015
S.Krishnamoorthy ... Petitioner in WP.969/2015
P.Udayakumar ... Petitioner in WP.970/2015
S.Senthil Kumar ... Petitioner in WP.971/2015
R.D.Veerasingam ... Petitioner in WP.972/2015

Vs

1. The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep. by The Board of Directors
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road Egmore
Chennai-600 008.
2. Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep. by The Managing Director
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road Egmore
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. ... Respondents in all WPs

W.P.No.964 to 971 of 2015 : These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified mandamus to call for the records relating to the order of the 4th respondent dated 16.12.2014 in Na.Ka. No.556/ R8/2014 and quash the same and consequently direct the respondents to fix the upset price for the petitioners Shop No.4485, 4103, 4503, 4119, 4499, 4073, 4176 & 4071 respectively at the rate of 2.5% on the Average Sale of the year 2013-2014.

W.P.No.972 of 2015 : 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 - 15 issued by the 4th Respondent dated NIL and quash the same only in so far it is relates to the petitioners Shop No.4452 at the rate of 2.5% on the Average Sale of the year 2013 - 2014.

For Petitioners : Mr.K.Selvaraj
in all WPs

For Respondents : Mr.B.Nedunchezhiyan
in all WPs

C O M M O N O R D E R

Heard Mr.K.Selvaraj, learned counsel appearing for the petitioners 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 these Writ Petitions, the petitioners seek for quashing the orders passed by the fourth respondent dated 16.12.2014 and to direct the respondents to fix upset price for the petitioners Shops at the rate of 2.5%on the average sale of the year 2013-2014.

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 petitioners herein also sought for similar relief in these Writ Petitions. However, these Writ Petitions are pending without any interim orders and in the interregnum the petitioners were 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 petitioners 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 Petitions are dismissed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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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
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
L.L.A. Buildings
Anna Salai, Chennai-600 002.

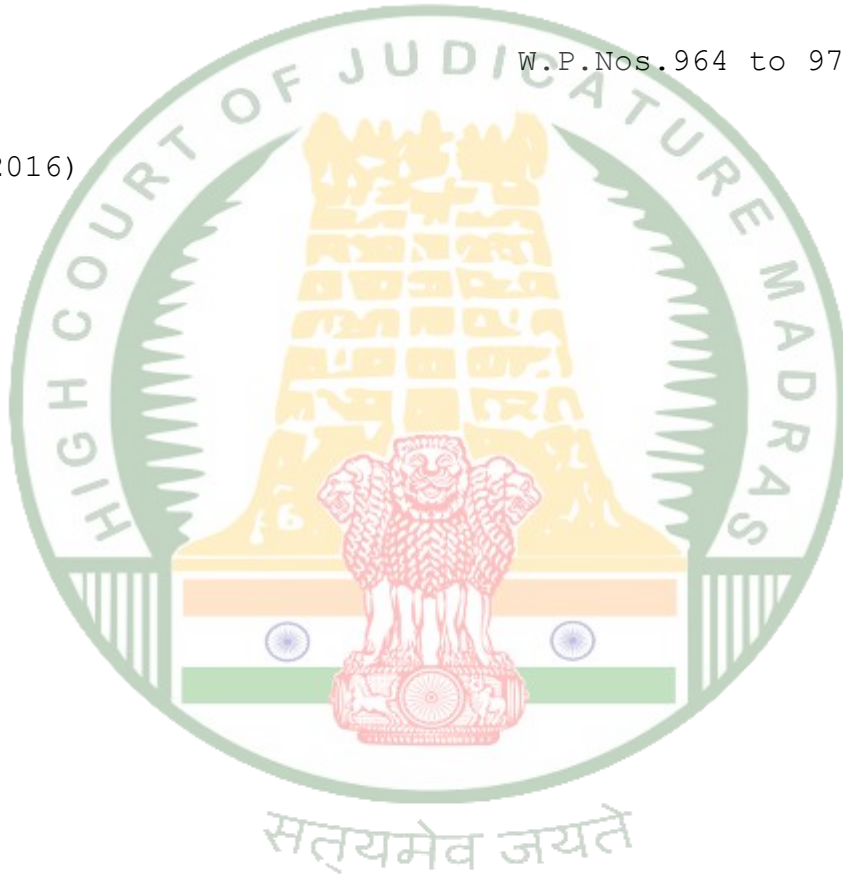
4. The District Manager
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Kancheepuram (North)
Industrial Estate, Thirumazhisai,
Kancheepuram.

+2cc's to Mr.K.Selvaraj, Advocate, S.R.No.28993

+2cc's to Mr.B.Nedunchezhiyan, Advocate, S.R.Nos.29193 & 29194

W.P.Nos.964 to 972 of 2015

PUR(CO)
CA(10/06/2016)



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