

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31250 of 2016

&

WMP.Nos.27123 & 27124 of 2016

V.Balakrishnan

... Petitioner

Vs.

1. The Managing Director
Tamil Nadu State Marketing Corporation
Ltd., [TASMAC], 4th Floor, CMDA Building
Gandhi Irwin Bridge Road, Egmore
Chennai 600 008.

2. The District Manager
Tamil Nadu State Marketing Corporation
Ltd., [TASMAC], Udagamandalam,
Nilgiris.

3. A.Louis

4. G.Panalal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for writ of certiorarified mandamus calling for the records of the order dated 17.08.2015 issued by the 2nd respondent to the 3rd respondent to run the bar attached to TASMAC shop No.8209 and quash the same and consequently direct the 2nd respondent to issue license to the petitioner to run Bar attached to TASMAC shop No.8209 situated in Door No.12, Cash Bazaar, Coonoor, Nilgiris.

For Petitioner : Mr.K.Vijayaragavan

For RR 1 & 2 : Mr.B.Nedunchezhiyan

ORDER

Heard Mr.K.Vijayaragavan, learned counsel for the petitioner and Mr.B.Nedunchezhiyan, learned Standing counsel who accepts notice on behalf of the respondents 1 and 2 and with the consent on either side, the writ petition is taken up for final disposal. In the light of the order, this Court propose to pass in this writ petition, notice to the respondents 3 and 4 is dispensed with.

2. The petitioner, in this writ petition, seeks for issuance of a writ of certiorarified mandamus to set aside the license granted in favour of the 3rd respondent to sell eatables and collect empty bottles and cartons from the Bar attached to the TASMAC Shop No.8209 and to direct the TASMAC to grant license to the petitioner.

3. The challenge to the license granted in favour of the 3rd respondent is only on the ground that the 4th respondent who is the owner of the building, has not given any No Objection Certificate in favour of the 3rd respondent. But the petitioner possesses a No Objection Certificate and he had offered the highest bid and in spite of the same, the petitioner's application for grant of license has not been considered. As rightly pointed out by the learned Standing Counsel appearing for TASMAC, the license granted in favour of the 3rd respondent had expired on 31.07.2016. Therefore, the question of quashing the license granted in favour of the 3rd respondent does not arise.

4. Accordingly, the prayer for quashing the said license stands rejected. The petitioner would further state that the 3rd respondent is still continuing to operate the license. However, this fact has to be ascertained by the 2nd respondent.

5. In the light of the above, there will be a direction to the 2nd respondent to consider the representation of the petitioner dated 15.07.2016 and the representation of the 4th respondent dated 22.08.2016, after notice to the respondents 3 and 4 and pass a reasoned order on merits and in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

AP

To

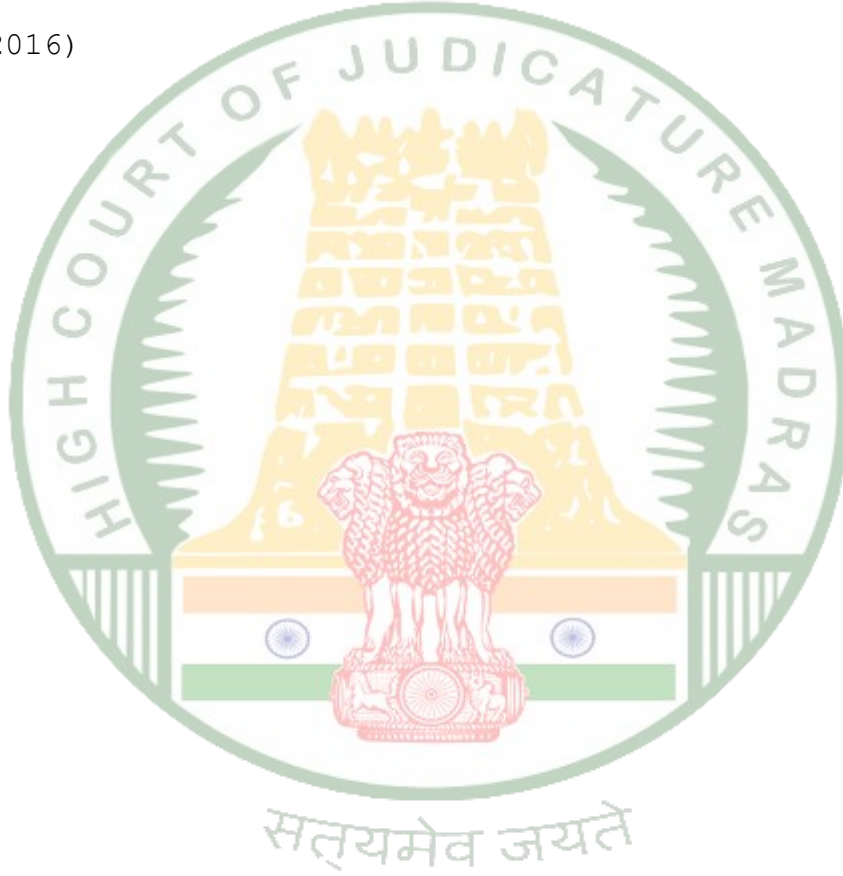
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+1cc to Mr.K.Vijayaragavan, Advocate, S.R.No.51558
+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.51700

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NR(CO)
CA(22/09/2016)



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