

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2017

Coram

The Hon'ble Mr.Justice RAJIV SHAKDHER
and
The Hon'ble Mr.Justice N.SATHISH KUMAR

W.A.Nos.1570, 1630 and 1631 of 2017
and C.M.P.Nos.20695 to 20697, 21261 and 21262 of 2017

M.Chandiran Shop No.9173
.. Appellant/Petitioner in W.A.No.1570/2017

K.R.Pandian Shop No.527
.. Appellant/Petitioner in W.A.No.1630/2017

A.Babu Shop No.640 .. Appellant/Petitioner in W.A.No.1631/2017

Vs.

1. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Rep. by the Managing Director,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

.. Respondent No.1 /Respondent in all the
appeals

2. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Rep. by the Senior Regional Manager,
L.L.A. Buildings, Anna Salai,
Chennai-600 002.

.. Respondent No.2 /Respondent in W.A.
No.1570 and 1630/2017

3. The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Chennai South District,
B-4, Industrial Estate, Ambattur,
Chennai-600 058.

.. Respondent No.2/Respondent in W.A.
No.1631/2017

4. The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep. by the District Manager (East),
No.1, Bangalore Highway,
Chembarambakkam,
Thiruvallur District.

.. Respondent No.3 /Respondent in W.A.
No.1570/2017

5. The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Chennai (South) District
B-4, Industrial Estate, Ambattur,
Chennai-600 058.

.. Respondent No.3 /Respondent in W.A.
No.1630/2017

Prayer in W.A.No.1570 of 2017 : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.11.2017, made in W.P.No.29727 of 2017.

Prayer in W.A.No.1630 of 2017 : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.11.2017, made in W.P.No.29985 of 2017.

Prayer in W.A.No.1631 of 2017 : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.11.2017, made in W.P.No.30195 of 2017.

Prayer in W.P.No.29727 of 2017: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records in respect of the online impugned Tender Notice issued by the 3rd respondent vide RC/7733/ A4/ 2017 dated 06.11.2017 for the Tender Year 2017-18 and quash the same in respect of the TASMAC Shop No.9173 at No.1/23 Subramaniyam Nagar Manali Thiruvettiur and Consequentially directing the respondents to revise the upset price in compliance of the directions issued by this Honourable Court in 24066 of 2015 & batch order dated 10.08.2015 and W.P.No. 26445 of 2015 & batch order dated 27.10.2015 and also by disposing to the petitioners representation dated 08.11.2017.

WP.No.29985 of 2017:To issue a Writ of Certiorarified mandamus calling for the records to the online Tender Notification bearing Na. Ka. No. B1 / 1655 / 2017 dated 3.11.2017 of the 3rd respondent herein and quash the same and forbear the respondents from increasing the upset price in respect of the license to collect empty bottles and sale of eatables in the Shop No. 527 attached to the IMFL shops run by the respondents herein.

WP.No.30195 of 2017:To issue a Writ of Certiorarified mandamus calling for the records relating to the Tender Notification

issued the 2nd respondent dated 3.11.2017 vide reference Na. Ka. No.B1/1655/2017 in respect shop bearing No.640 situated at No.31/1 10th Avenue Ashok Nagar Chennai 600 083 quash the same on the ground of it being arbitrary irrational illegal and violative of the provision of the Tamilnadu Transparency in Tender Act 1998 and consequently direct the respondents herein to fix the fair and justifiable license fee and grant the license for Shop No.640 and permit petitioner to run the said shop by paying the existing amount paid for previous year till the refixation of upset price.

For Appellant in W.A. : Ms.G.V.Seethalakshmi
No.1570/2017

For Appellant in W.A. : Mr.Vijayan Subramanian
No.1630/2017

For Appellant in W.A. : Mr.L.Chandrakumar
No.1631/2017

For Respondents in all : Mr.P.Arumugarajan
the appeals 1570 & 1630/17 Standing Counsel

For Respondents in WA : K.Sathish Kumar
1631/2017

C O M M O N J U D G E M E N T

(Judgement of the Court was delivered by RAJIV SHAKDHER, J.)

1. After some arguments, learned counsels for the appellants says they would like to withdraw the appeals, and that, they would approach the learned Single Judge, vis-a-vis the issue pertaining to Goods and Services Tax (GST), which, according to them, has not been considered in the impugned judgement.

2. Furthermore, we are told that a fresh tender has been floated by the respondents, which is slated to be opened on 18.12.2017.

3. Accordingly, the appeals are dismissed as withdrawn, with liberty, as prayed, albeit, in accordance with law. Resultantly, pending applications shall stand closed.

Sd/-

Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
L.L.A. Buildings, Anna Salai,
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3. The District Manager (East),
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
No.1, Bangalore Highway,
Chembarambakkam,
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4. The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Chennai South District,
B-4, Industrial Estate, Ambattur,
Chennai-600 058.

+1cc to Mr.A.Ganapatheeswaran, Advocate SR.No.88050
+1cc to Mr.K.Sathish Kumar, Advocate SR.No.88818
+1cc to Mr.P.Arumugarajan, Advocate SR.No.88033
+1cc to Mr.A.Jenezenan, Advocate SR.No.87976
+1cc to Mr.E.Vijay Anand, Advocate SR.No.87786

NMI (CO)
GN(29/12/2017)

W.A.Nos.1570, 1630 & 1631 of 2017

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