

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM:

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

Writ Petition No.21747 of 2017
and W.M.P.No.22756 of 2017

M.Kanagaraj

... Petitioner

..vs..

1. The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kanchipuram North, Thirumazhisai Unit 3,
Chembarambakkam, Chennai - 123
 2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
No.735 LLA Building, 4th Floor, Anna Salai,
Chennai 600 002
 3. Tamil Nadu State Marketing Corporation Limited (TASMAC),
Rep. by its Managing Director,
Thalamuthu Nadarajan Building,
Gandhi Irwin Road, Egmore, Chennai - 8
 4. The District Collector, Kancheepuram District,
Kancheepuram
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the respondents, their men, people, their subordinate or any other persons, claiming through them from in any manner closing TASMAC Shop No.4110 at No.1, Pozhichalur Main Road, Nehru Nagar, Pozhichalur, Chennai - 600 074.

For Petitioner : Mr. S.Balasubramanian

For R-1 to R-3 : Mr. Arumugharajan, Standing Counsel
M/s. A.Srijayanthi, Spl.G.P., for R-4

O R D E R

Heard Mr.S.Balasubramanian, learned counsel appearing for the petitioner, Mr. Arumugharajan, learned Standing Counsel appearing for respondents 1 to 3 and Ms.A.Srijayanthi, learned

counsel appearing for the fourth respondent. With consent of the learned counsel appearing for both sides, the writ petition itself is taken up for final disposal, at the admission stage itself.

2. The petitioner had been granted licence to sell eatables and collect empty bottles from the Tamil Nadu State Marketing Corporation Limited (TASMAC), District Retail Vending Liquor Shop No.4110 at No.1 Pozhichalur Main Road, Nehru Nagar, Pozhichalur, Chennai - 600 074. The petitioner, on an apprehension that the Retail Vending Liquor Shop would be shifted, has approached this Court, by way of this writ petition.

3. The learned Standing Counsel appearing for the respondents 1 to 3, on instructions, would submit that the licence granted to the petitioner, has expired in the year 2014 and thereafter, licence has been renewed on a monthly basis; if at all, the petitioner has any right, the same will be only till the licence is being renewed.

4. In my view, the present writ petition is purely on an apprehension that the TASMAC shop would be shifted. Admittedly, the petitioner has no vested right to insist that the shop should be in a particular location, as the petitioner is only a licensee to sell the eatables in the Bar attached to the shop. Therefore, if a policy decision is taken by the respondents to shift the shop or if any direction is issued by the District Collector / fourth respondent herein, to shift the shop, then, obviously, the petitioner cannot insist that the shop should be in the same location.

5. Therefore, this writ petition stands disposed of, with a direction that, as long as the petitioner's licence is valid and the shop is in the present location, the petitioner shall be entitled to sell the eatables and collect empty bottles in the said TASMAC shop, in accordance with the terms and conditions of the licence issued by the respondents. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

SRK

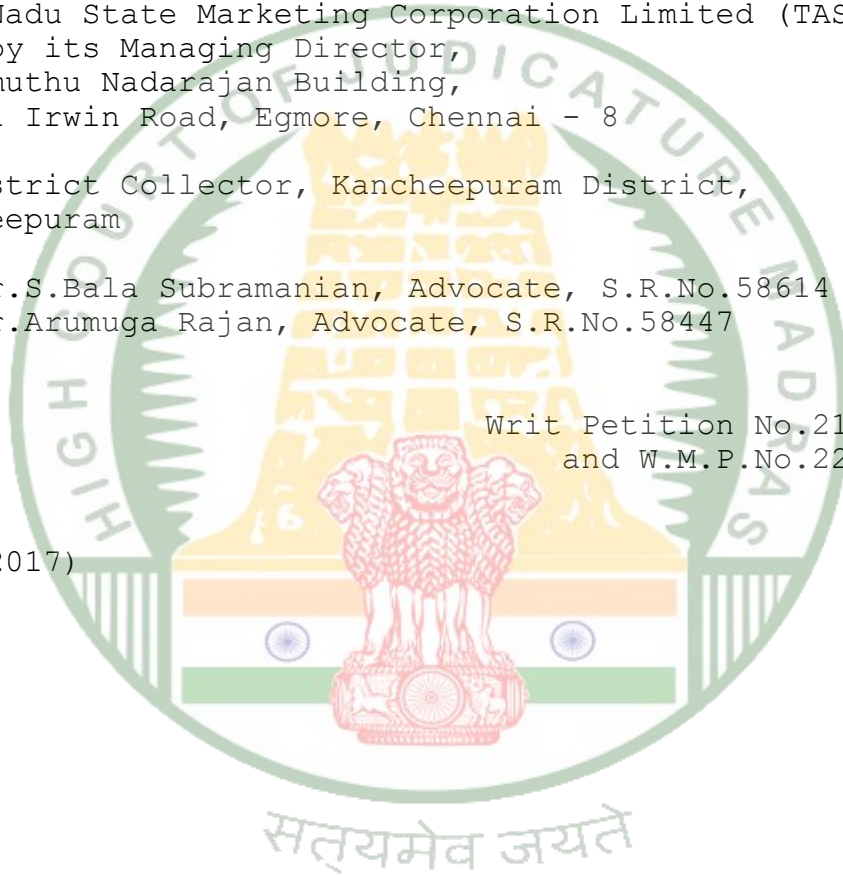
To

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4. The District Collector, Kancheepuram District,
Kancheepuram

+1cc to Mr.S.Bala Subramanian, Advocate, S.R.No.58614
+1cc to Mr.Arumuga Rajan, Advocate, S.R.No.58447

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GN(04/09/2017)



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