

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.33760 of 2017
and
W.M.P.No.37404 of 2017

S.Narasimhalu

... Petitioner

Vs.

1.The Tamil Nadu State
Marketing Corporation Limited (TASMAC),
Kancheepuram (North) District,
Thirumazhisai Unit (III),
No.1, Bangalore Highways Road,
Sembarabakkam Village,
Thiruvallur District - 600 123.

2.The Inspector of Police,
Selaipur Police Station,
Selaipur, Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from preventing the running of the petitioners TASMAC wine shop No.4519 situated in the Petitioner's property, comprised in Survey Number 116/2B1 and 2.D. Situated at No.39, Vengaivasal Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.K.Selvaraj

For 1st Respondent : Mr.Arumugha Rajan

For 2nd Respondent : Mr.R.Rajeswaran
Special Government Pleader

ORDER

Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.Arumugha Rajan, learned standing counsel accepts notice for the 1st respondent and Mr.R.Rajeswaran, learned Special Government Pleader accepts notice for the 2nd respondent. With the consent on either side, the writ petition is taken up for final disposal.

2.The petitioner is a licensee, who was granted license to collect empty bottles and stale eatables in the bar attached to the TASMAC Retail Vending Shop No.4519. The petitioner does not have any grievance against the respondent Corporation, but his grievance appears to be against certain private parties, who appear to be politically influential in the area and creating nuisance to the petitioner for running the bar. Therefore, the petitioner has given representation to the 1st respondent as well as a complaint to the Inspector of Police and since the 1st respondent has not protected the interest of the petitioner adequately, he is before this Court. Since the license issued in favour of the petitioner is valid, it should be the endeavour of the 1st respondent to protect the licensee in his lawful activities.

3.The learned counsel for the respondent TASMAC submits that it is not clear as to whether the petitioner's license has been extended or not.

4.Needless to state all the observations made in this order will enure in favour of the petitioner only if he has a valid license not otherwise.

5.With the above observation, the Writ Petition is disposed of, by directing the 1st respondent to take appropriate action on the petitioner's representation dated 23.11.2017 and to see that the license issued to the petitioner is valid and operational to be operated in a proper and peaceful manner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

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Sub Assistant Registrar

Sgl

To

1.The Tamil Nadu State
Marketing Corporation Limited (TASMAC),
Kancheepuram (North) District,
Thirumazhisai Unit (III),
No.1, Bangalore Highways Road,
Sembarabakkam Village,
Thiruvallur District - 600 123.

2.The Inspector of Police,
Selaiyur Police Station,
Selaiyur, Kancheepuram District.

+ 1 cc to MR. K. Selvaran, Advocate SR.92313

W.P.No.33760 of 2017

(CS-IV)
EU(03/01/2018)



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