

In the High Court of Judicature at Madras

Dated : 22.9.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.25530 of 2017

D.Balasundaram

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
CMDA Tower - 2, Fourth Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 8.

2.The District Collector,
Vellore District, Vellore.

3.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Vellore.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus, directing the
first and third respondents to vacate the wine shop which was
reopened illegally in the petitioner's premises in Ward No.1,
Block No.3 in survey No.201 and 195/1A in Vellore Town.

For Petitioner : Mr.D.Rajagopal
For Respondents 1 & 3 : Mr.Arumugha Rajan
For Respondent 2 : Mrs.M.Lalitha, GA

O R D E R

Heard Mr.D.Rajagopal, learned counsel for the petitioner and
Mr.Arumugha Rajan, learned Standing Counsel accepting notice for
respondents 1 and 3 and Mrs.M.Lalitha, learned Government
Advocate accepting notice for the second respondent. By consent,
the writ petition itself is taken up for final disposal.

2. The petitioner has let out a shop for running a retail
vending liquor shop by the respondent Corporation. It appears

that the shop was closed on account of the orders passed by the Hon'ble Supreme Court.

3. The petitioner would state that for five months, the shop was kept locked and possession was handed over to him. Subsequently, after the clarifications issued by the Hon'ble Supreme Court, the shop has now been opened. The petitioner alleges that the lock has been broken.

4. The learned Standing Counsel appearing for the respondent Corporation submits that possession of the shop was not handed over to the petitioner and that the possession continued with the respondent Corporation.

5. The dispute between the petitioner and the respondent Corporation is purely a landlord-tenant dispute, which cannot be adjudicated in a writ petition. Therefore, the prayer sought for by the petitioner cannot be granted.

6. Accordingly, the writ petition is dismissed. No costs.

7. In any event, since the petitioner has already submitted a representation to the first respondent dated 06.9.2017 seeking to direct their officials to vacate the shop, the first respondent is directed to consider the representation of the petitioner dated 06.9.2017 on merits and pass appropriate orders thereon in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

- 1.The Managing Director, TASMAC, CMDA Tower-2, Fourth Floor,
Gandhi Irwin Bridge Road, Egmore, Chennai - 8.
 - 2.The District Collector, Vellore District, Vellore.
 - 3.The District Manager, TASMAC, Vellore.
- +1cc to Mr.P.Arumugarajan, Advocate Sr. 70301
+1cc to the Government Pleader Sr. 70612
+1cc to Mr.D.Rajagopal, Advocate SR. 71094

WP.No.25530 of 2017

AR(V)

VR(24/10/2017)