

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.6366 & 6367 of 2004

and

W.P.M.P.Nos.7522 and 7523 of 2004

C.S.Mariyappan

.. Petitioner in both the writ petitions

Vs.

1. The Government of Tamil Nadu,
Rep by its Secretary, (Prohibition & Excise)
Fort St. George.
Chennai – 600 009.
2. The Tahsildar,
Perambur Taluk,
In-charge of TASMAL.
Perambur, Chennai – 11

.... Respondents 1 & 2 in both the writ petitions

M.Namasivayam

...3rd respondent in WP No.6366/2004

M. Dhanasekaran

...3rd respondent in WP No.6367/2004

Prayer: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of Mandamus, forbearing the respondents from running wine shop or bar in the premises at No.59,

Konnur High Road, Ayanavaram, Chennai 600 023 and pass such further or other orders as this Hon'ble Court may deem fit and proper and thus render justice.

For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.K.Dhananjeyan,
Special Government Pleader

COMMON ORDER

The writ petitioner claims to be the owner of the property situated at No.59, Konnur High Road, Ayanavaram, Chennai 600 023. He describes about the lease agreement, entered into with the third respondent and based on the lease, the third respondent was running the Wine Shop. The relief, sought for in these writ petitions, is forbearing the 3rd respondent from running the wine shop or bar in the said premises.

2. The dispute between the writ petitioner and the third respondent cannot be brought under the purview of the Writ Petition under Article 226 of the Constitution of India and further, the prayer, as such, sought for, is *per se* not maintainable. In view of the facts and

circumstances of the case, no consideration is required and accordingly, both the writ petitions are dismissed. No costs. Consequently, connected MPs are closed.

05.05.2017

Speaking/Non Speaking
Internet: Yes/No
Index : Yes/No
sr

To

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Perambur, Chennai – 11

S.M.SUBRAMANIAM,J.,

sr

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