

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.829 of 2017

Tamil Nadu Bar Builders, Contractors Nala Sangam
Represented by its President, Mr.M.Anbuselvam
No.86, M.S.Koil street
Royapuram, Chennai-600 013.

... Petitioner

vs.

The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower II, IV floor, Gandhi Irwin road
Egmore, Chennai-600 008.

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, to direct the respondent to reduce Bar License Fee considerably and to receive the same by considering the representation of the petitioner dated 31.12.2016.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.C.Kasirajan
Govt. Advocate

ORDER

1.Issue notice. Mr.C.Kasirajan, accepts notice on behalf of the

respondent.

1.1 With the consent of counsels for the parties, the writ petition is taken up for final hearing and disposal.

2.The prayer made in the writ petition is that, a direction be issued to the respondent to reduce the bar license fee.

2.1 The record shows that, for the said purpose, the petitioner has made a representation dated 31.12.2016, to the respondent.

2.2 Via this representation, the petitioner has articulated the grievance of its members. The grievance, interalia, appears to be that, while the licensee qua the bar, which are attached to the TASMAL retail shops in Tamil Nadu, continues to be the same, the period, for which, the business is permitted to be conducted, has been reduced.

2.3 In this connection, it is averred that, at an earlier point in time, the shop could remain open between 10.00 a.m. and 10.00 p.m. Now, under the present situation, the business can be conducted by the bar owners only between 12.00 Noon and 10.00 p.m.

3. According to the petitioner, this reduction in business hours caused

revenue loss to its members. The petitioner claims that an oral assurance was given that the license fee would be revised and/or lesser number of licenses would be issued.

4. Counsel for the respondent says that, since, a representation has been made in this behalf, the same will be considered and orders will be passed qua the same.

4.1 Furthermore, counsel for the respondent says that the bar license issued for the period, 2015-2016, even according to the petitioner, came to an end in October, 2016 and due to administrative reasons, new tenders have not been called for the period, 2016-2017.

4.2 It is, however, conceded that the bar owners are continuing their business based on the existing license.

5. Having regard to the contentions advanced by the counsels for the parties, the writ petition is disposed of with a direction to the respondent to consider and dispose of the petitioner's representation dated 31.12.2016 by way of a speaking order.

RAJIV SHAKDHER,J.

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6. Needless to say, the aforementioned exercise will be carried out with due expedition, though, not later than twelve (12) weeks from the date of receipt of a copy of this order. There shall, however be, no order as to costs.

11.01.2017

Index:Yes/No

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To
The Managing Director
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