

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAISWAMY

W.P.No.4044 of 2018

K.Kumar

.. Petitioner

vs.

1. The Tamil Nadu State Marketing Corporation Ltd.
Rep. by its Managing Director
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road
Egmore, Chennai - 600 008.

2. The Senior Regional manager
The Tamil Nadu State Marketing Corporation Ltd.
LLA Building, Anna Salai
Chennai - 600 002,

3. The District Manager
TASMAC Ltd., Chennai (Central) District
B-4, Ambattur Industrial Estate
Ambattur
Chennai - 600 058

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to collect EMD amount for the petitioner's bar attached TASMAC Shop No.319, situated at Door No.135, M.T.H. Road, Villivakkam, Chennai - 600 049 at the rate of 3% to 80% of actual sales of the shop as the upset price per month based on the petitioner's representation dated 10.02.2018.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.K.Sathish Kumar
Standing Counsel for TASMAC

ORDER

Mr.K.Sathish Kumar learned Standing Counsel takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents to collect EMD amount for his bar attached TASMAL Shop No.319, situated at Door No.135, M.T.H. Road, Villivakkam, Chennai - 600 049 at the rate of 3% to 80% of actual sales of the shop as the upset price per month based on his representation dated 10.02.2018.

3. The learned counsel appearing for the petitioner submitted that the respondents had promised to collect only 80% of EMD amount of TASMAL liquor sales of attached shops from the bar licence holders. Further, the learned counsel submitted that the respondent had issued circular dated 12.12.2017 calling for fresh tenders to be held on 26.02.2018 wherein it has been stated that the total sales will be taken as 80% of total liquor sales in which only 3% had been taken into accounts from the 80% turnover sales instead of 100% liquor sales. In these circumstances, the petitioner has given a representation dated 10.02.2018 to the 1st respondent, however, the same has not been considered by the 1st respondent. The learned counsel further submitted that the 3rd respondent may be directed to consider the petitioner's representation dated 10.02.2018 and pass orders, in accordance with law, within a time frame.

4. Mr.K.Sathish Kumar learned Standing Counsel appearing for the respondents submitted that the 3rd respondent may be directed to consider the petitioners' representation dated 10.02.2018, in accordance with law.

5. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the 3rd respondent to consider the petitioner's representation dated 10.02.2018, and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With this observation, the writ petitions are disposed of.
No costs.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

Rj

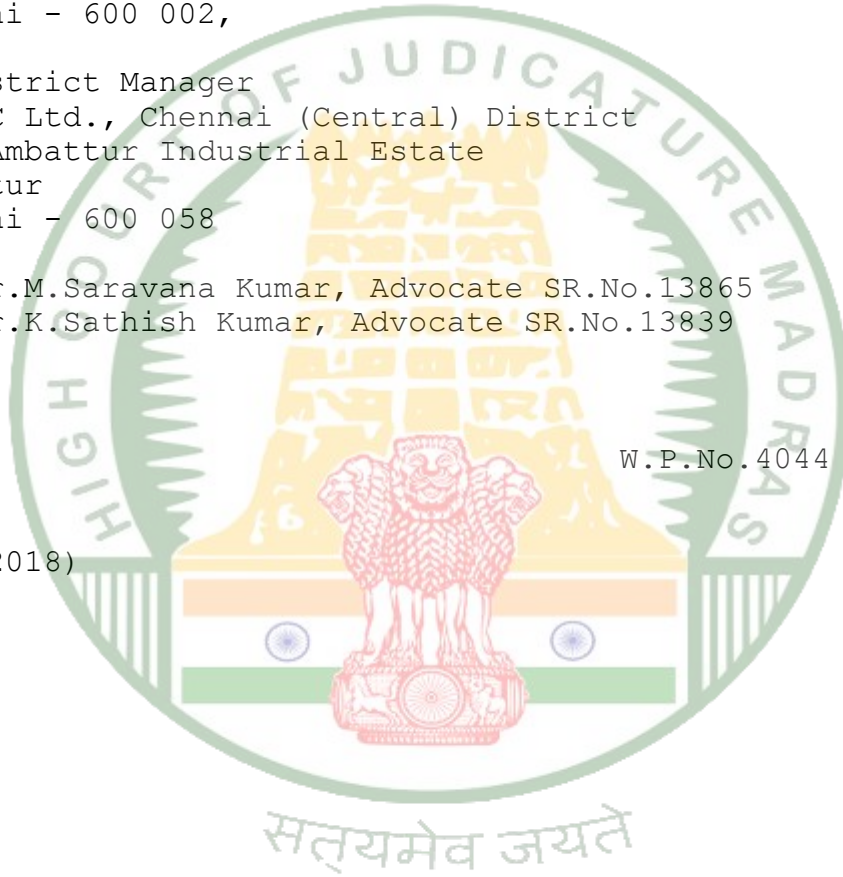
To

- 1.The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road
Egmore, Chennai - 600 008.
2. The Senior Regional Manager
The Tamil Nadu State Marketing Corporation Ltd.
LLA Building, Anna Salai
Chennai - 600 002,
3. The District Manager
TASMAC Ltd., Chennai (Central) District
B-4, Ambattur Industrial Estate
Ambattur
Chennai - 600 058

+1cc to Mr.M.Saravana Kumar, Advocate SR.No.13865
+1cc to Mr.K.Sathish Kumar, Advocate SR.No.13839

W.P.No.4044 of 2018

PVS (CO)
GN(09/03/2018)



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