

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.21106 and 21107 of 2018

and

W.M.P.Nos.24762 and 24765 of 2018

S.Sekar Petitioner in W.P.No.21106 of 2018

C.Sivasubramani Petitioner in W.P.No.21107 of 2018

vs.

1. The Tamil Nadu State Marketing Corporation Limited (TASMAC)
rep. by its Managing Director,
CMDA Tower, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

2. The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep. by its Senior Regional Manager,
LLA Building, Anna Salai,
Chennai - 600 002.

3. The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep. By its District Manager,
Thirumazhisai Industrial Estate,
Thirumazhisai - 600 124.
Thiruvallur District.

..Respondents in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in Na.Ka.No.A3/2258/2018 dated 20.07.2018 and consequently direct the respondents to reduce the security deposits for the months of March, April and May, 2018, based on the actual sales for the corresponding months in petitioners' bar premises for the shop Nos.8864 and 9008 respectively and set aside the same.

For Petitioners : Mr.Sudhakar

For Respondents : Mr.P.Arumugarajan
Standing Counsel

COMMON ORDER

The petitioners are aggrieved against the impugned demand dated 20.07.2018, wherein and whereby, they were called upon to make security deposit of Rs.1,74,554/- and Rs.3,34,511/- respectively, representing three months period of March, April and May, 2018.

2. Heard both sides.

3. The grievance of the petitioners is that when there was a fall in sale of liquor in the month of May, 2018, due to closure of shops in pursuant to the order passed by the Apex Court, the present impugned demand, without considering the said aspect, cannot be sustained. Therefore, it is contended that the 3rd respondent has to re-consider the demand, taking note of the above said fact in respect of the month of May, 2018. It is seen that the petitioners have approached this Court and filed the present writ petitions on receipt of the impugned demand without making any representation either for seeking reconsideration of the orders impugned in these writ petitions or for clarification with regard to the quantum arrived therein. If at all, the petitioners are having any grievance against the quantum arrived by the 3rd respondent in the impugned proceedings, it is for them to approach the 3rd respondent and file a representation ventilating such grievance. Without doing so, the petitioners have approached this Court and filed the present writ petitions, which in my considered view, is not the proper course of action.

4. Therefore, these writ petitions are disposed of by granting liberty to the petitioners to make a representation

before the 3rd respondent, ventilating their grievance/objection with regard to the quantum of deposit payable for the month of May, 2018. If any such representation is made by the petitioners, the 3rd respondent shall consider the same and pass appropriate orders on merits and in accordance with law. Such representation shall be made by the petitioners within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

vsi

To

1. The Managing Director,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
CMDA Tower, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Senior Regional Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
LLA Building, Anna Salai,
Chennai - 600 002.
3. The District Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Thirumazhisai Industrial Estate,
Thirumazhisai - 600 124.
Thiruvallur District.

+2cc to Mr.J.S. Sarveshwer Rao*, Advocate SR.No.60393 & 60394

+2cc to Mr.P. Arumugarajan, Advocate SR.No.60412 & 60413

W.P.Nos.21106 & 21107 of 2018

GMV (05/09/2018)