

In the High Court of Judicature at Madras

Dated : 13.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.11374 of 2018 & WMP.No.13274 of 2018

M.Rajendhiran

...Petitioner

Vs

1.The Tamil Nadu State Marketing
Corporation rep. by its District
Manager, Chennai South District,
No.B4 Industrial Estate, Ambattur,
Chennai-58.

2.T.Kalavathy

3.D.Sugumar

4.V.Sarojini Venkatesan

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to issue license to the bar attached to the shop No.729 by accepting the NOC issued by the legal heirs Manokaran, Dhanasekar, Murali, Radhika and Prakash and further without insisting the NOC from the other legal heirs Kalavathy, Sugumar & Sarojini.

For Petitioner : Mr.M.Manimaran

For Respondent-1 : Mr.P.Arumugha Rajan

For Respondent-2 : Mr.K.Selvaraj

ORDER

Heard both.

2. The petitioner seeks a direction to the first respondent to issue licence to sell eatables and collect empty bottles in the bar attached to retail vending shop No.729 by accepting the no objection certificate issued by the legal heirs of Manokaran, Dhanasekar, Murali, Radhika and Prakash and further without insisting the NOC from the other legal heirs Kalavathy, Sugumar & Sarojini.

3. One of the legal heirs namely Sarojini - the fourth respondent herein is opposing the establishment of the bar and she has not given her no objection certificate like her sister and another brother. In the meantime, the the petitioner approached the Fifth Assistant Judge, Civil Court Chennai by filing O.S.No.2881 of 2018 wherein the petitioner seeks a decree for permanent injunction to restrain defendants 1 to 8 therein, who are the legal heirs of one Mr.Duraisamy, from disturbing the petitioner from the schedule premises without due process of law.

4. Admittedly, the Tamil Nadu State Marketing Corporation Limited is not a party to the said suit. Therefore, whatever the decree that has been obtained by the petitioner herein will bind only the defendants therein. The Tamil Nadu State Marketing Corporation Limited, being a State Owned Corporation, should not unnecessarily involve themselves in private litigation and create further problems. Therefore, the Tamil Nadu State Marketing Corporation Limited shall grant the licence subject to the condition that all the legal heirs give their no objection certificates.

5. In the result, the writ petition is disposed of by directing the petitioner to pursue his remedy before the Civil Court as against the defendants therein. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The District Manager, Tamil Nadu State Marketing Corporation,
Chennai South District, No.B4 Industrial Estate, Ambattur,
Chennai-58.

+1cc to Mr.M.Manimaran, Advocate Sr.46322

+1cc to Mr.P.Arumugarajan, Advocate Sr.46296

WP.No.11374 of 2018&

WMP.No.13274 of 2018

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srg 24/07/2018