

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.2630 & 2905 of 2018
and W.M.P.Nos.3259 & 3574 of 2018

W.P.Nos.2630 of 2018 :-

N.Kannan,
carrying on business at TASMAC
Bar attached with shop No.443,
Old No.80, New No.1128,
Poonmalle High Road,
Koyambedu, Chennai-107. Petitioner

vs.

1.The District Manager,
Chennai-Central, TASMAC Ltd.,
B-58, Ambattur Industrial Estate,
Ambattur, Chennai-600 058.
2.N.Duraipazham,
carrying on business at Kumaran Stores,
First Floor, Old No.80,
New No.1128, Poonmalle High Road,
Koyambedu, Chennai-107. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to issue licence to the petitioner for the TASMAC bar attached to the TASMAC shop No.443 without insisting NOC/Rental agreement.

For Petitioner : Mr.M.Manimaran

For R1 : Mr.K.Sathish Kumar

For R2 : Mr.K.Mohammed Hussain

W.P.Nos.2905 of 2018 :-

S.Murugan ... Petitioner

vs.

1.The District Manager (Central),
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
B-4, Industrial Estate, Ambattur
Chennai-600 058.

2.N.Kannan

2.N.Duraipazham

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to issue Bar licence to the petitioner in respect of the TASMAC Shop No.443 situated at No.1128/80, PH Road, Koyambedu, Chennai-107.

For Petitioner : Mr.K.Sasindran
For R1 : Mr.K.Sathish Kumar
For R2 : Mr.M.Manimaran
For R3 : Mr.K.Mohammed Hussain

C O M M O N O R D E R

Heard Mr.M.Manimaran, learned counsel for the petitioner, Mr.K.Sathish Kumar, learned counsel for the first respondent/TASMAC and Mr.K.Mohammed Hussain, learned counsel for the second respondent.

2. Both the petitioners are competing for licence to sell eatables and collect empty bottles in the bar attached to the TASMAC retail vending shop No.443 situated at No.1128/80, Poonamalle High Road, Koyambedu, Chennai-107.

3. The petitioner in W.P.No.2630 of 2018 has entered into a rental agreement with the landlord and has applied for licence. He was also the existing licensee for the previous year. However, the land lord did not give 'No Objection Certificate' to the petitioner, when the petitioner wanted licence for the period 2017-18. In the meantime, the landlord entered into a rental agreement with one S.Murugan, petitioner in W.P.No.2905 of 2018. He has filed the said writ petition to direct that the bar licence should be issued in his name. Apart from that, the petitioner in W.P.No.2630 of 2018, N.Kannan, has filed a civil suit and obtained an order of injunction against the landlord

not to disturb his possession. In the said suit, TASMAC is a party. However, the injunction does not pertain to the licensee to sell eatables and collect empty bottles in the TASMAC retail vending shop.

4. Learned counsel for the TASMAC submitted that the licence has not been granted to any person, and as on date, the bar is not vending.

5. In the light of the above, these writ petitions are disposed of giving liberty to the petitioners as well as the owner of the premises to work out their remedies in the pending civil suit or before the appropriate forum as they may be advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The District Manager,
Chennai-Central, TASMAC Ltd.,
B-58, Ambattur Industrial Estate,
Ambattur, Chennai-600 058.

2.The District Manager (Central),
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
B-4, Industrial Estate, Ambattur
Chennai-600 058.

+ 1 cc to Mr.M.Manimaran Advocate,SR.25866

+ 2 cc to Mr.K.Sathish Kumar Advocate,SR.25459,25460

+ 1 cc to Mr.K.Sasindran Advocate SR.25515

W.P.Nos.2630 & 2905 of 2018

lrs(co)
nr 24/04/2018