

In the High Court of Judicature at Madras

Dated : 28.6.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.15885 to 15887 of 2018

M.Kannan

...Petitioner in
WP.15885/2018

M.Thondiraj

...Petitioner in
WP.15886/2018

S.Iyyappan

...Petitioner in
WP.15887/2018

Vs

1.The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by its Managing Director, CMDA Tower, Gandhi Irwin Road, Egmore, Chennai-8.

2.The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by its Senior Regional Manager, LLA Building, Anna Salai, Chennai-2.....R-1 & R-2 in
in all the WPs

3.The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by its District Manager, Chennai (Central) District, No.B-4, Ambattur Industrial Estate, Ambattur, Chennai-58.
...R-3 in both WP.
Nos.15885& 15887
of 2018

4.The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by its District Manager, Kancheepuram (North) District, Industrial Estate, Thirumazhisai Unit, Kancheepuram District. 600123.

...R-3 in WP.No.
WP.15886 of 2018

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Mandamus forbearing the respondents from demanding the huge licence fee of Rs.4,85,665/-, Rs.2,22,060/- and Rs.2,19,662/- respectively for the month of June 2018 for shop Nos.522, 4497 and 413 from the respective petitioner and consequently direct the respondents to reduce the licence fee for the month of June 2018 based on the actual sales in the bar premises of the respective petitioners.

For Petitioners : Mr.K.Selvaraj
For Respondents : Mr.Arumugha Raja
Mr.K.Sathishkumar

COMMON ORDER

Heard Mr.K.Selvaraj, learned counsel for the petitioners and Mr.Arumugha Raja and Mr.K.Sathish Kumar, learned standing counsel for the respondent.

2.These writ petitions have been filed to restrain the respondents from demanding huge licence fee for the month of June 2018. Similar prayer was considered by this Court W.P.Nos.14784 to 14788 of 2018, wherein a common order was passed by this Court on 20.06.2018. The operative portion of the order reads as follows:

"8. For all the above reasons, the writ petitions are disposed of by directing the respective petitioners to pay 3.5% of the sales, which occurred during the month of April 2018 as a licence fee for the month of May 2018 payable in the month of June 2018. The respondents shall accept the same without prejudice to their rights. Along with the payment receipts, the petitioners are also directed to submit representations to the respondents. On receipt of the representations, the respondents shall consider the same, take note of the sales in the respective TASMAR retail vending shops for the months of January, February and March 2018 and take a conscious decision in the matters in accordance with law. The petitioners are further directed to pay the licence fee in terms of the above directions within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, the connected WMPs are closed."

3. The grievance expressed by the learned counsel for the petitioner is that the respondent TASMAC is insisting upon payment of 3.5% of 100% of the licence fee for the month of April 2018. It is submitted that even as per the licence conditions, it is only 3.5% of 80% of the licence amount for the previous month.

4. The learned standing counsel appearing for the respondent TASMAC submitted that the apprehension of the petitioner is thoroughly baseless and the respondent is ready and willing to accept the Demand Draft drawn in terms of the conditions for grant of licence.

5. In the light of the above, these writ petitions are disposed of by directing the petitioners to pay the licence fee for the month of June 2018 calculated at the rate of 3.5% of 80% of the actual sale for the month of April 2018, stipulated in the licence conditions. The amount shall be paid by the petitioners on or before 30.06.2018. No costs.

Sd/--

Assistant Registrar(cS II)

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Sub Assistant Registrar

To

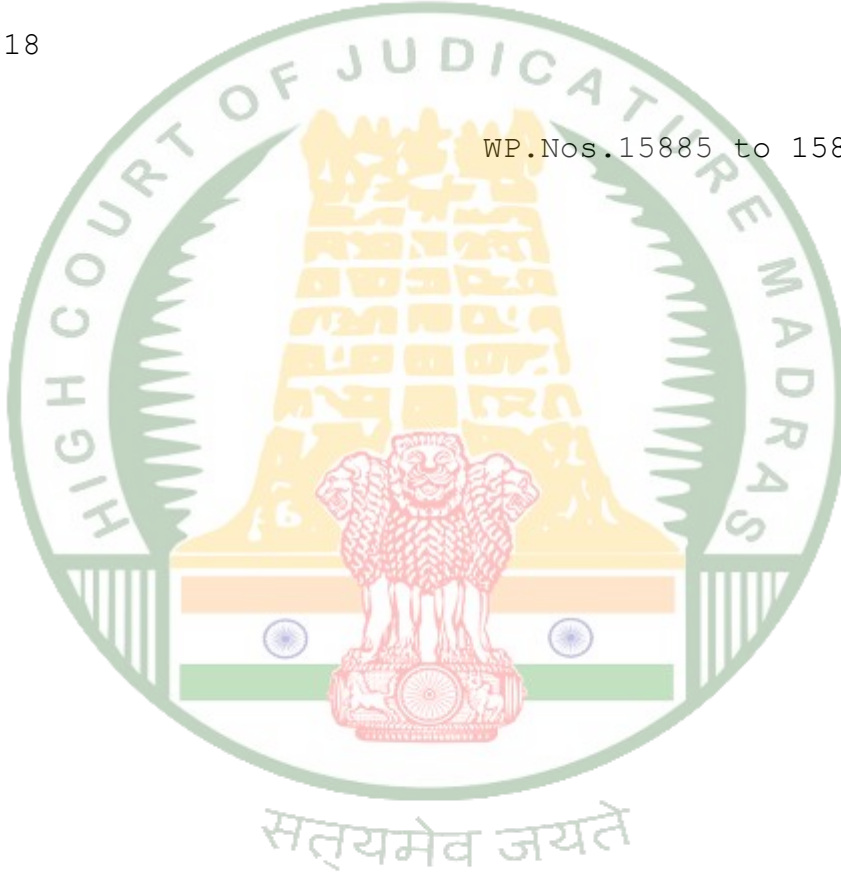
- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
CMDA Tower,
Gandhi Irwin Road,
Egmore, Chennai-8.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
LLA Building, Anna Salai, Chennai-2.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Chennai (Central) District, No.B-4, Ambattur Industrial
Estate,
Ambattur, Chennai-58.

4.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kancheepuram (North) District, Industrial Estate,
Thirumazhisai Unit,
Kancheepuram District. 600123.

+1cc to M/s.K.Sathishkumar, Advocate SR.No.41689
+3cc to Mr.K.Selvaraj, Advocate SR.No.41317
+1cc to Mr.P.Arumugarajan, Advocate SR.No.41795

RK(CO)
sm:29.6.2018

WP.Nos.15885 to 15887 of 2018



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