

In the High Court of Judicature at Madras

Dated : 04.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.16598 of 2018 & WMP.No.19767 of 2018

Mr.M.Kamalakannan

...Petitioner

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.

3.The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by its District Manager, Chennai (Central) District, No.B.58, Ambattur Industrial Estate, Ambattur, Chennai-58.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from demanding the huge licence fee of Rs.5,73,632/- for the month of May 2018 for shop No. 436 from the petitioner and consequently direct the respondents to reduce the licence fee for the month of May 2018 based on the actual sales in the bar premises of the petitioner.

For Petitioner : Mr.V.Balasubramani

For Respondents : Mr.K.Sathish Kumar

ORDER

Mr.P.Arumugha Rajan, learned Standing Counsel accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed to restrain the respondents from demanding huge licence fee for the month of May 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 20.6.2018. The operative portion of the said common 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 TASMAC 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 - Corporation is insisting upon payment of 3.5% of 100% of the licence fee for the previous month. It is submitted that even as per the licence conditions, it is only 3.5% of 80% of the licence fee for the previous month, which is payable.

4. The learned Standing Counsel appearing for the respondent - Corporation submits that the apprehension of the petitioner is thoroughly baseless and that the respondent - Corporation 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, the writ petition is disposed of by directing the petitioner to pay the licence fee for the month of May 2018 calculated at the rate of 3.5% of 80% of the actual sales for the month of April 2018 as stipulated in the licence conditions. The amount shall be paid by the petitioner on or before 09.7.2018. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

RS

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.58, Ambattur Industrial Estate, Ambattur, Chennai-58.

+1cc to Mr.M.ARUNACHALAM, Advocate, S.R.No.43679
(17.07.2018)

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No. 43961
(18.07.2018)

WP.No.16598 of 2018&
WMP.No.19767 of 2018

GJ II (CO)
TR(04/07/2018)

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