

In the High Court of Judicature at Madras

Dated : 04.7.2018

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition Nos.16624 & 16626 of 2018

K.Mani

...Petitioner in
WP.16624 of 2018

N.Thirunavukarasu

...Petitioner in
WP.16626 of 2018

Vs

1.The Managing Director, Tamil Nadu
State Marketing Corporation Limited,
4th Floor, Thalamuthu Natarasan
Maligai, Egmore, Chennai-8.

2.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited, LLA Building,
Anna Salai, Chennai-6.

...R1 & R2 in
both WPs

3.The District Manager, Tamil Nadu
State Marketing Corporation Limited,
Thirumazhisai, Thiruvallur East,
Chennai-123.

...R3 in WP.No.
16624 of 2018

4.The District Manager, Tamil Nadu
State Marketing Corporation Limited,
Chennai South, B4, Ambattur
Industrial Estate, Chennai-58.

...R3 in WP.No.
16626 of 2018

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Mandamus directing the respondents not to demand the huge licence fee of Rs.3,78,574/- and Rs.1,32,761/- respectively for the month of June 2018 from the petitioners' bars attached to TASMAL wine shop Nos.8841 and 968 respectively based upon the last month sale of the wine shop and consequently direct the respondents to reduce the licence fee for the month of June 2018 by considering the representations dated 26.6.2018.

For Petitioners : Mr.M.Manimaran

For Respondents : Mr.P.Arumugha Rajan

COMMON ORDER

Mr.P.Arumugha Rajan, learned Standing Counsel accepts notice for the respondents. Heard both. By consent, the writ petitions are taken up for joint disposal.

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 20.6.2018. 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 petitioners 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 petitioners 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 petitions are disposed of by directing the respective petitioner to pay the licence fee for the month of June 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 respective petitioner on or before 09.7.2018. No costs.

Sd/-

Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
4th Floor, Thalamuthu Natarasan Maligai,
Egmore, Chennai-8.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Limited, LLA Building, Anna Salai,
Chennai-6.
3. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Thirumazhisai,
Thiruvallur East, Chennai-123.
4. The District Manager, सतयमेव जयते
Tamil Nadu State Marketing Corporation Limited,
Chennai South, B4,
Ambattur Industrial Estate, Chennai-58.

RS

WP.Nos.16624 & 16626 of 2018

NA (CO)
GN (04/07/2018)