

In the High Court of Judicature at Madras

Dated : 16.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.17823 & 17824 of 2018

J.Kiruthigavasan

...Petitioner in WP.
No.17823 of 2018

R.Ganesan

...Petitioner in
WP.17824 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, Nos.141 &
142, MSR Complex,
Goundampalayam, Coimbatore-30.

3. The District Manager, Tamil Nadu
State Marketing Corporation Limited,
IMFS Depot, TASC0 Building,
Suriyampalayam, Erode-638316.

...Respondents in
both WPs

PETITIONS under Article 226 of The Constitution of India
praying for the issuance of Writs of Mandamus directing the
respondents not to demand the licence fee based on the monthly
sale of liquor from the petitioner bar attached to the
respective TASMAC wine shop Nos.3511 and 3555 and consequently
direct the respondents to collect the licence fixed at the time
of tender by considering the representations dated 06.7.2018 and
05.7.2018 respectively.

For Petitioners : Mr.M.Manimaran

For Respondents : Mr.K.Sathishkumar

COMMON ORDER

Mr.K.Sathishkumar, 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 20.7.2018. No costs.

Sd/-
Assistant Registrar(CS VII)

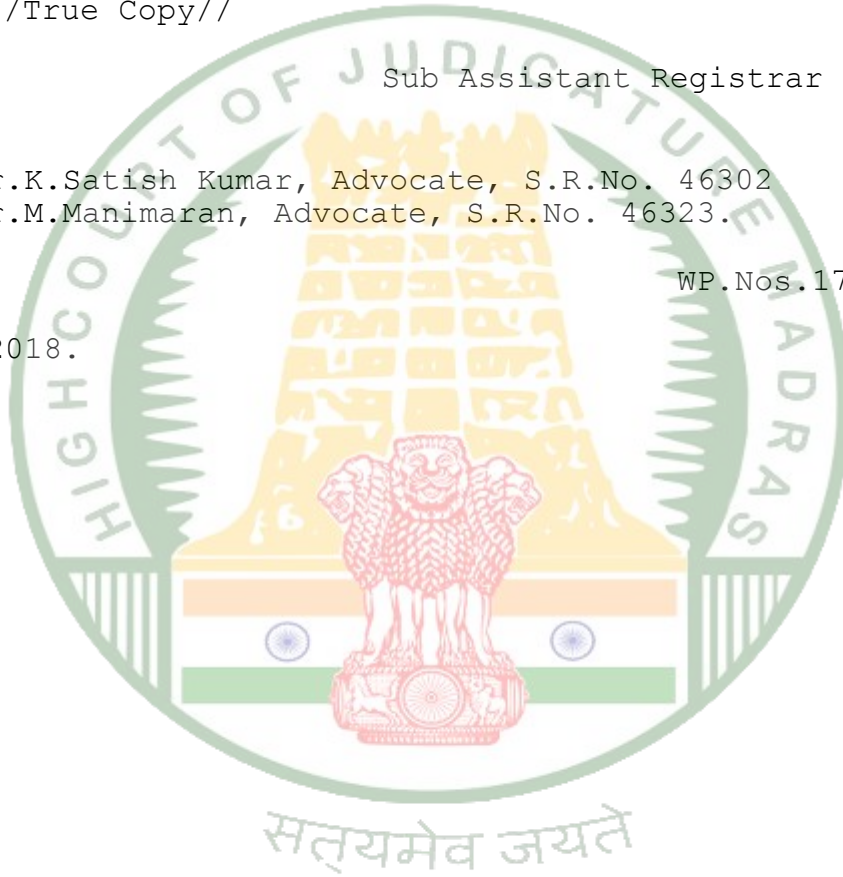
//True Copy//

Sub Assistant Registrar

+1cc to Mr.K.Satish Kumar, Advocate, S.R.No. 46302
+1cc to Mr.M.Manimaran, Advocate, S.R.No. 46323.

WP.Nos.17823 & 17824
of 2018

BM 17/07/2018.



WEB COPY