

In the High Court of Judicature at Madras

Dated : 18.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.18064 & 18065 of 2018

Dheenadhayalan

...Petitioner in WP.
18064 of 2018

Manikandan

...Petitioner in WP.
18065 of 2018

Vs

1. The Managing Director, Tamil Nadu State Marketing Corporation Ltd., 4th Floor, Thalamuthu Nadarasan Maligai, Egmore, Chennai-8.
2. The Senior Regional Manager, Tamil Nadu State Marketing Corporation Ltd., LLA Building, Anna Salai, Chennai-6.
3. The District Manager, Tamil Nadu State Marketing Corporation Ltd., Thirumazhisai, Kancheepuram North, Chennai-600123.

...Respondents in
both the 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 huge amount as a license fee for the month of July 2018 from the petitioners' bars attached to respective TASMAC wine shop Nos.4117 and 4379 based upon the last month sale of the wine shops and consequently direct the respondents to reduce the license fee for the month of July 2018 by considering the representations dated 09.7.2018.

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. The petitioners have filed these writ petitions seeking to forbear the respondents from demanding huge licence fee for the month of July 2018 for the respective bars attached to the TASMAC retail vending shops in question based on the last month's sale in the wine shops and also to direct the respondents to reduce the licence fee for the month of July 2018 by considering the representations of the petitioners dated 09.7.2018.

3. This Court, exercising jurisdiction under Article 226 of The Constitution of India, cannot issue any positive direction to the respondents to reduce the licence fees. However, the licence fee is required to be collected in terms of the conditions of licence.

4. According to the respondents, the concession granted on account of closure of shops during May 2018 is a different matter. In the instant cases, the licence fee payable for July 2018 is being questioned. The licence fee will be calculated on ad hoc basis based on the actual sales in the month of June 2018 and at the end of July 2018, the licence fee will be determined based on the actual sales in July 2018.

5. In any event, the petitioners shall be intimated by a reply to their representations dated 09.7.2018.

6. Accordingly, the writ petitions are disposed of with a direction to the respondents to consider the representation of the petitioners dated 09.7.2018 clearly indicating as to how the balance amount is demanded. The reply shall be sent to the petitioners within a period of one week from the date of receipt of a copy of this order. It goes without saying that for the month of July 2018, whatever the amount is due has to be remitted by the petitioners. No costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

rs

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, Thalamuthu Nadarasan Maligai,
Egmore, Chennai-8.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
LLA Building, Anna Salai, Chennai-6.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Thirumazhisai, Kancheepuram North, Chennai-600123.

+1cc to Mr.K.Vijayaraghavan, Advocate, S.R.No.47313

+1cc to Mr.P.Arumugha Rajan, Advocate, S.R.No.47813

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