

In the High Court of Judicature at Madras

Dated : 03.8.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.19784 of 2018

S.Selvaraj

...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, Kanchipuram (South) District, 14-18, SIDCO Industrial Estate, Orikkai, Kanchipuram-631502.

...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.3,95,400/- for the month of June 2018 for shop No.4540 from the 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 petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.Arumugha Rajan

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 petitioner seeks a direction to forbear the respondents from demanding huge licence fee for the month of June 2018 for shop No.4540.

3. The learned counsel for the petitioner has referred to the earlier order of this Court dated 09.7.2018 in WP.No.17059 of 2018 and submitted that similar directions may be issued.

4. The learned Standing Counsel for the respondents submits that in the said case, the dispute arose on account of abnormal increase in the sales during the month of May 2018 pursuant to closure of shops, which were situated abutting the national highway. Therefore, it is further submitted that so far as the month of June 2018 is concerned, the licence fee shall be paid based on the actual sales.

5. The apprehension of the petitioner is that while remitting the licence fee for June 2018, the respondent - Corporation may demand the difference in the licence fee for the month of June 2018.

6. The learned Standing Counsel for the respondents submits, on instructions, that no such difference is being demanded and that the petitioner has to pay the licence fee for June 2018 as per the actual sales in terms of licensing conditions. This is recorded.

7. Accordingly, the writ petition is disposed of directing the petitioner to pay the licence fee for the month of June 2018 as per the actual sales in terms of the licensing conditions. No costs.

Sd/-

Deputy Registrar

//True Copy//

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), Kanchipuram (South) District, 14-18, SIDCO Industrial Estate, Orikkai, Kanchipuram-631502.

+1cc to Mr.K.SELVARAJ, Advocate, S.R.No.53342

+2cc to Mr.P.ARUMUGARAJAN, Advocate, S.R.Nos.53397, 53045

WP.No.19784 of 2018

SMI/06.08.2018



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