



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1264 of 2018

and

WMP (MD) No.1345 of 2018

M.Nagarajan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC),
Dindigul - 1.

3.Narayanasamy

4.Arunkumar

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to shift the TASMAC Bar with Shop No.3131 situated at AMC Road, Dindigul to the third respondent's building premises bearing Door No.32, Stalin Cottage, AMC Road, Dindigul by considering the petitioner's representation dated 05.01.2018 within the time stipulated by this Court.

For Petitioner

: Mr.J.Lawrance

For R1

:Mr.Aayiram K.Selvakumar

Additional Government Pleader

For R2

: Mr.H.Arumugam

ORDER

This writ petition has been filed seeking direction to the the second respondent to shift the TASMAC Bar with Shop No.3131, situated at AMC Road, Dindigul to the third respondent's building premises bearing Door No.32, Stalin Cottage, AMC Road, Dindigul, by considering the petitioner's representation dated 05.01.2018.

2.Heard Mr.J.Lawrance, the learned counsel for the petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader for the first respondent and Mr.H.Arumugam, learned counsel for the second respondent. In view of the nature of order to be passed by this Court, notice to the respondents 3 and 4 is dispensed with.



3. According to the petitioner, the fourth respondent is the owner of the premises, in which TASMAL shop No.3131, at AMC Road, Dindigul, is running. Earlier, the fourth respondent was granted licence to run the above shop. Subsequently, for the current year 2017-2018, the petitioner has become the successful bidder and when the petitioner intend to run the shop, the fourth respondent has refused to vacate the shop even after expiry of licence and refused to give no objection certificate to the petitioner. In the above circumstances, the petitioner has given a representation to the second respondent requesting to shift the above shop to some other place enabling him to run the above TASMAL bar with shop. Since the same has not been considered by the second respondent, this writ petition has been filed.

4. I have heard the rival submissions made on either side and perused the materials carefully.

5. The petitioner, claims to be the highest bidder, was permitted to run a bar in the above TASMAL shop. Merely because, the fourth respondent, who is the owner of the premises, refused to give permission to the petitioner to run the bar, he cannot ask for to shift the shop to some other place, for which, he has no right at all. Apart from that, so far as the next allegation that the fourth respondent is still running the shop even after expiry of licence, the learned counsel appearing for the second respondent submitted that already the fourth respondent has closed the bar and they have also given police complaint against the fourth respondent.

6. In the above circumstances, the relief sought in the writ petition cannot be granted and the same is dismissed accordingly. No costs. Consequently, WMP(MD)No.1345 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

The District Collector,
Dindigul District,
Dindigul.

+1cc to Mr.J.LAWRANCE, Advocate, SR.43373

+1cc to Mr.H.ARUMUGAM, Advocate, SR.43913

+1cc to M/S.Special Government Pleader, SR. 44043

WP(MD) No.1264 of 2018
23.01.2018

MJ

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