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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.2383 of 2018

and

W.M.P. (MD).No.2598 of 2018

G.Balasubramaniyan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation
(TASMAC), CMDA Complex,
Egmore,
Chennai-600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
(TASMAC)
Old Collector Office Road,
Trichy.

3.The District Collector,
Collectorate,
Trichy District,
Trichy.

4.The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC)
Thuvakudi,
Trichy District.

5.K.Loganathan

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 herein to conduct retender cum auction for the license to sell eatables and to collect empty bottles in the bar attached with TASMAC shop No.10321, Trichy District by insisting No Objection Certificate from building owner/5th respondent herein as precondition as declared in judgment dated 14.03.2012 in W.A. (MD).Nos.1492 and 1493 of 2011 before this Court and complete the tender process with a time stipulated by this Court.



For R1, R2 & R4
For R3

: Mr.B.Jameel Arasu
: Mrs.J.Padmavathi Devi
Special Government Pleader

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ORDER

The Writ Petition has been filed seeking a direction to the respondents 1 to 4 to conduct re-tender cum auction for the license to sell eatables and to collect empty bottles in the Bar attached with TASMALC shop No.10321, Trichy District.

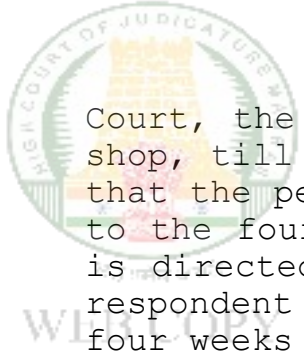
2. According to the petitioner, he is a licensee in respect of the above Bar and after the expiry of the license period, the respondent Corporation called for the auction. Even though the petitioner, after obtaining No Objection Certificate from the landlords, is willing to participate in the public auction, the respondents prevented him from participate in the said public auction. Thereafter, since there is no bidder, the auction was cancelled and subsequently, no action has been taken to call for re-tender. In the meantime, some of the similarly placed licensees filed a batch of writ petitions before this Court in W.P.(MD). Nos.21402 to 21405 of 2017 and this Court, by order, dated 21.12.2017, passed the following directions:

"4. In view of the above submissions, these writ petitions are disposed of, granting two weeks time from the date of receipt of a copy of this order to the concerned authorities for publication of a fresh tender and on such publication, the interested parties shall submit their duly filled-in tender form within fifteen days thereafter. However, it is made clear that till completion of the new tender process and declaration of new persons, the existing parties are permitted to continue their business operations in the respective shops upon payment of existing charges. It is also made clear that since the respondents have decided to publish a fresh tender notification, the Demand Drafts, if any, received by the respondents from various parties shall be returned forthwith. No costs. Consequently, connected miscellaneous petitions are closed."

3. Therefore, according to the petitioner, similar relief, which was given to the other licensees, may also be extended to the petitioner, till the re-tender is conducted.

4. Today, when the matter is taken up for hearing, the District Manager, Tamil Nadu State Marketing Corporation, Trichy District is present before this Court and submitted that they are proposed to conduct re-tender and a notification to that effect will be issued.

5. Considering the above circumstances, since the respondent Corporation proposed to call for re-tender, as per the order of this



Court, the petitioner is permitted to run the Bar in the above said shop, till the re-tender/Auction is conducted. It is also made clear that the petitioner shall deposit one month license fee, in advance, to the fourth respondent and on such deposit, the fourth respondent is directed to permit the petitioner to run the Bar and the fourth respondent is also directed to conduct re-tender within a period of four weeks from today.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation
(TASMAC), CMDA Complex,
Egmore,
Chennai-600 008.

2. The Senior Regional Manager,
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Old Collector Office Road,
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3. The District Collector,
Collectorate, Trichy District, Trichy.

4. The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC)
Thuvakudi, Trichy District.

+One cc to M/s.D.Nallathambi, Advocate, SR.No.46979

+One cc to M/s.B.Jameel Arasu, Advocate, SR.No.47061

Ns

RL/7C/3P/SV/MMS/SAR1/20/2/2018

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