



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

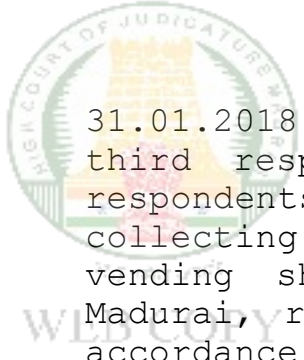
W.P (MD)Nos.5694 to 5696 of 2018
and
WMP(MD)Nos.5567 to 5575 of 2018

Thirumara Chellapandi ... Petitioner in WP(MD)No.5694 of 2018
A.Murugan ... Petitioner in WP(MD)No.5695 of 2018
N.Murugan ... Petitioner in WP(MD)No.5696 of 2018

Vs.

1. The Managing Director,
Tamil Nadu State Marketing
Corporation,
(TASMAC), CMDA Complex,
Egmore, Chennai - 600 008.
2. The Regional Manager,
Tamil Nadu State Marketing
Corporation, (TASMAC)
Anna Nagar, Madurai 625 020.
3. The District Manager,
Tamil Nadu State Marketing
Corporation,
(TASMAC) Madurai North District,
Manalur, Sivagangai District.
4. The Assistant Commissioner (Excise),
Office of the Assistant Commissioner (Excise),
Collector Office Campus, Madurai.
5. The Inspector of Police,
Prohibition Wing,
Madurai City. ... Respondents in all writ petitions.

Common Prayer : Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned communication letters of the third respondents in Na.Ka.Bi/618/2015/E dated



31.01.2018 and in Na.Ka.No.618/2015/E dated 06.03.2018 issued by third respondent quash the same and consequently direct the respondents to permit the petitioner for selling eatables and for collecting empty bottles in the Bar attached to TASMAC retail vending shop of respondents bearing Nos.5134, 5329 and 5201 Madurai, respectively, until the finalization of next tender, in accordance with law.

For petitioner : Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

For respondents : Mr.Chellapandian,
Additional Advocate General
for Mr.H.Arumugam for R1 to R3
Senior Counsel
Mr.K.Saravanan,
Govt.Advocate for R4 and R5

COMMON ORDER

Mr.Chellapandian, learned Additional Advocate General for Mr.H.Arumugam, learned Standing Counsel, takes notice for the respondents.

2.By consent of both parties, these writ petitions are taken up together for disposal at the stage of admission itself.

3.The petitioners herein had earlier filed WP(MD)Nos.1672 of 2018, 1674 of 2018 and 1673 of 2018 respectively, questioning the tender notification issued by the TASMAC and seeking extension of their license for selling eatables and collecting empty bottles in the Bar attached to TASMAC retail vending shop of respondents bearing Nos.5134, 5329 and 5201 Madurai, respectively.

4.This Court had only issued notice in the said writ petitions. No interim orders were granted. Therefore, tender process went ahead and licenses were issued in favour of third parties in respect of TASMAC retail vending shops bearing Nos.5134, 5329 and 5201, Madurai. Since the petitioners had already filed writ petitions in this regard and merely because they did not get any interim order therein, it is not open to them to file a second writ petition on the same cause of action.

5.These writ petitions are dismissed as not maintainable. The respondents are directed to furnish a copy of the license issued in favour of others in respect of above said shops, to the petitioners so as to enable them to question the same. Such exercise shall be completed within a period of one week from the date of receipt of a copy of this order. No costs.



Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

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Office of the Assistant Commissioner (Excise),
Collector Office Campus, Madurai.
5. The Inspector of Police, Prohibition Wing,
Madurai City.

+ 3 ccs TO M/S.Veera Associates ,Advocate, SR No.56225 to 56227
+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 56394
+ 1 cc TO The Special Government Pleader in SR No. 56532

SKM

AE/KKR/SAR4/28.05.2018/3P/11C

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5575 of 2018
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