



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2018

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P. (MD) No. 25550 of 2018

and

W.M.P. (MD) Nos. 23160 and 23161 of 2018

K.S.Vijayakumar

..Petitioner

Vs.

The District Manager, (Madurai South)
The Tamil Nadu State Marketing Corporation,
(TASMAC) Ltd.,
Madurai District.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned order of the respondent in Na.Ka.No.0579/2017/B dated 20.12.2018 and quash the same as unjustifiable, illegal.

For Petitioner : Mr.M.Jegadeesh Pandian

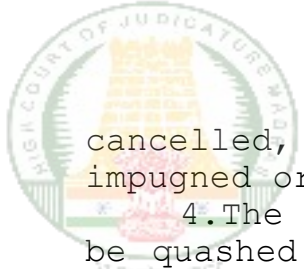
For Respondent : Mr.H.Arumugam
Standing counsel for TASMAC

ORDER

The Writ petition has been filed to quash the impugned order passed by the respondent in Na.Ka.No.0579/2017/B dated 20.12.2018.

2.The respondent has cancelled the TASMAC bar licence issued to the petitioner on account of fact that the petitioner has failed to pay the monthly rental by 5th of December 2018. The petitioner has also filed a copy of original allotment letter dated 22.09.2015. The licence was renewed during February 2018.

3.As per the original licence dated 22.09.2015, the petitioner was required to pay a monthly rent of Rs.85,100/- (Rupees Eighty Five Thousand and One Hundred only) by fifth of every month, failing which the petitioner would be subjected to interest at the rate of 12% and failing which the licence was liable to be revoked. The petitioner has now regularised the default on 24.12.2018 by giving a Demand Draft for a sum of Rs.1,03,063/- (Rupees One Lakh Three Thousand and Sixty Three only) which according to the petitioner is the arrears of rent. It is stated that the commission payable also has been paid to TASMAC Corporation on 24.12.2018. However, there is no proof of payment of TASMAC commission. As the licence has been



cancelled, the petitioner has approached this Court for quashing the impugned order.

4.The impugned order cancelling the TASMAL licence is liable to be quashed as it has been passed without proper notice and hearing and without giving an opportunity to regularize the default. Though the petitioner has not filed the copy of the renewal licence, it appears the petitioner is also liable to pay the interest as per original licence at 12 %. The petitioner has paid the monthly rent and regularised the default. In case if there are any arrears of interest and TASMAL commission, the petitioner shall pay the same also as per the licence. The petitioner shall pay the differential amount if any within a period of one week from the date of receipt copy of this order.

5.Accordingly, the writ petition stands allowed. No Costs. Consequently, connected miscellaneous petitions are allowed.

Sd/-

Assistant Registrar (CS I) /
VACATION OFFICER.

/True Copy/

Sub Assistant Registrar(CS III)

MRN

1CC TO MR. M. JEGADEESH PANDIAN, ADVOCATE SR 101963

1CC TO MR. H. ARUMUGAM, ADVOCATE SR 101968

SS SKN SAR 3

28 12 2018

2P 3C

ORDER MADE IN
W.P. (MD) No.25550 of 2018

27.12.2018