



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM

**THE HONOURABLE Mr. JUSTICE V. PARTHIBAN**

W.P (MD) No.21299 of 2018

WEB COPY

G.Alagarsamy

... Petitioner

Vs

1. The District Collector,  
Virudhunagar District,  
Virudhunagar.
2. The Managing Director,  
Tamil Nadu State Marketing Corporation Ltd.  
(TASMAC),  
CMDA Tower-II, IV Floor,  
Gandhi Irwin Bridge Road,  
Egmore, Chennai 600 008.
3. The General Manager,  
Tamil Nadu State Marketing Corporation Ltd.  
(TASMAC),  
CMDA Tower-II, IV Floor,  
Gandhi Irwin Bridge Road,  
Egmore, Chennai 600 008.
4. The Senior Regional Manager,  
Tamil Nadu State Marketing Corporation Ltd.  
(TASMAC),  
No.100, Anna Nagar,  
Madurai 625 020.
5. The District Manager,  
Tamil Nadu State Marketing Corporation Ltd.  
(TASMAC),  
Virudhunagar.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents not to shift the TASMAC Shop No.12008 from the petitioner's premises at No.2/237, Vinayagar Nagar, Kangarsevalpatti Road, Vembakottai Taluk, Virudhunagar District and further direct the respondents to renew the petitioner's bar license in the said shop.

For Petitioner : Mr.R.Krishnamoorthy

For Respondents : Mr.C.M.Marichelliah Prabhu,  
AGP for R1  
: Mr.H.Arumugam for R2 to R5

**ORDER**

The petitioner has come up with this writ petition seeking a direction to the respondents not to shift the TASMAC Shop No.12008 from the petitioner's premises at No.2/237, Vinayagar Nagar, Kangarsevalpatti Road, Vembakottai Taluk, Virudhunagar District and further direct the respondents to renew the petitioner's bar license in the said shop.

2. The case of the petitioner is as follows:-

(i) The petitioner appears to have obtained liquor retail vending license from the respondents for running TASMAC Bar attached TASMAC Shop No.12008. The said Shop is located in the petitioner's premises at No.2/237, Vinayagar Nagar, Kangarsevalpatti Road, Vembakottai Taluk, Virudhunagar District.

(ii) According to the petitioner, he has spent a sizable amount to provide proper infrastructure for locating the Bar in his premises and suitable renovation and modification were also made in the Shop as per the specification of the respondents. While so, according to the petitioner, he came to know that the Shop No.12008 is being shifted to some other place and in that regard, he appears to have submitted the representations dated 22.09.2018, 01.10.2018 and 09.10.2018 respectively. According to the petitioner, he had been given license to run the Bar for the last ten years.

3. From the averments and materials as disclosed, it is seen that how the present writ petition is maintainable in law, particularly, Writ of Mandamus, preventing the respondents from shifting the shop. It is entirely within the policy decision of the respondents to locate the TASMAC wherever it is suitable in terms of the prohibition policy which is not for a private individual to restrain the respondents from relocating the shop in terms of their policy.

4. Moreover, from the averments as contained in the affidavit filed in support of the writ petition, no specific details has been spelt out when the license was given and when the shop was proposed to be shifted. The affidavit is bereft of any details in support of the claim of the petitioner. Such bald affidavit has been filed to get the larger relief by seeking a writ of Mandamus. Moreover, in case the petitioner suffered any loss due to any promise or assurance given by the respondents, it is always open to him to approach the Civil Court and seek appropriate relief towards damages and certainly it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.



5. As stated above, the affidavit does not contain any details at all and on the basis of such bald affidavit, no relief could ever be granted much less than the relief as prayed in this writ petition. Further, the issue as raised in the writ petition is purely a civil dispute in nature which cannot be decided in this writ jurisdiction.

6. For the above said reasons, this Court finds that the writ petition is not maintainable and therefore, the same is dismissed. No costs.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The District Collector,  
Virudhunagar District,  
Virudhunagar.

+1cc to Mr.R.Krishnamoorthy, Advocate Sr.No.89946

+1cc to Mr.H.Arumugam , Advocate Sr.No.90393

GSK/SKN

VB/SKN/SAR4/01.11.2018/3P/4C

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