



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 29.07.2019

CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.21733 of 2019
&
W.M.P.Nos.20953 and 20955 of 2019

1.K.Gandhimathi @ Mala
2.K.Santhi
3.K.Raju

.. Petitioners

Vs.

- 1.The Tamil Nadu State Marketing Corporation Ltd.,
rep. By its Managing Director
"Thalamuthu Natarajan Maaligai"
Gandhi Irwin Road
Egmore, Chennai - 600 008
2. The Tamil Nadu State Marketing Corporation Ltd.,
rep. By its Senior Regional Manager
"L.L.A Buildings"
No.735, Anna Salai
Chennai - 600 002
- 3.The Tamil Nadu State Marketing Corporation Ltd.,
rep. By its District Manager
Chennai (South) District
No.B-4, Ambattur Industrial Estate
Ambattur, Chennai - 600 053
- 4.K.Ganesh
- 5.R.Panneerselvam

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the Respondent 1 to 3 to close down the Bar premises attached to the TASMAC wine Shop No.714 at Door No.1/1, Anna Garden, Velachery Main Road, Chennai - 600 042.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.P.Arumugarajan



O R D E R

Mr.K.Selvaraj, learned counsel on record for writ petitioner is before this Court. Mr.P.Arumugarajan, learned Standing Counsel for 'Tamil Nadu State Marketing Corporation Ltd.,' ('TASMAC' for brevity) accepts notice on behalf of official respondents 1 to 3.

2.To be noted, Respondents 4 and 5 are private respondents.

3.Notwithstanding several averments made in the affidavit filed in support of the writ petition and several grounds/contentions raised in the affidavit filed in support of the writ petition, learned counsel for writ petitioner at the hearing abridges, restricts and limits his prayer. Learned counsel submits that writ petitioner, more particularly writ petitioner No.3 (for himself and on behalf of writ petitioners 1 and 2 who are his sisters) has sent a representation dated 02.02.2019 to the third respondent and learned counsel for writ petitioner submits that it will suffice if there is a direction to the third respondent to dispose of the said representation.

4.Learned Standing Counsel for TASMAC submits that third respondent will dispose of the representation on merits and in accordance with law.

5.To be noted, as already mentioned supra, Respondents 4 and 5 are private respondents. More importantly, Respondent No.4 is a sibling qua three writ petitioners. In other words, Respondent No.4 and the three writ petitioners are blood brothers/sisters. Respondent No.5 is the bar licensee attached to a TASMAC wine shop being TASMAC Shop No.714 in Velachery. Therefore, while disposing of the representation dated 02.02.2019, it is imperative that the third respondent gives an opportunity to Respondent 4 and 5 to raise their objections to the representation, if any. This is more so as this writ petition is being disposed of at the admission stage with the consent of learned counsel for writ petitioner and learned Standing Counsel for TASMAC.

6. This writ petition is disposed of with a direction to the third respondent to dispose of writ petitioner's representation dated 02.02.2019 on its own merits and in accordance with law after giving an opportunity to respondents 4 and 5 to raise their objections, if any. Such disposal of representation dated 02.02.2019 shall be within a period of two weeks from the date of receipt of a copy of this order. Order disposing of the representation shall be communicated to Petitioner No.3 under due acknowledgement within seven working



days from the date of disposal. Writ petitioner Counsel, submits on instructions, that service of the order on Writ Petitioner No.3 shall be construed as service on all the writ petitioners. Order disposing of the representation shall also be communicated to Respondents 4 and 5 by the third respondent within seven working days from the date of disposal of representation. Though obvious, it is made clear that writ petitioners abridging the prayer will not come in the way of writ petitioners raising issues set out in instant writ petition if the writ petitioners are to assail or defend in future the disposal order of third respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

gpa

To

- 1.The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
"Thalamuthu Natarajan Maaligai"
Gandhi Irwin Road
Egmore, Chennai - 600 008
2. The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd.,
"L.L.A Buildings"
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Chennai - 600 002
3. The District Manager
Tamil Nadu State Marketing Corporation Ltd.,
Chennai (South) District
No.B-4, Ambattur Industrial Estate
Ambattur, Chennai - 600 053.

+1cc to Mr.Arumugarajan, Advocate, S.R.No.64469

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.64408

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PPA (CO)

RRS (08/08/2019)