

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.31381 OF 2019

AND

W.M.P.NOS.31547 & 31549 OF 2019

E.Anandan

...

Petitioner

Vs.

- 1.The District Manager  
TASMAC, No.59A, Chennai Trunk Road,  
Warehouse Corporation Complex,  
Villupuram District - 605 602.
- 2.The Assistant Commissioner (Excise)  
Office of the District Collector Campus,  
Villupuram District - 605 602.
- 3.TASMAC Limited  
Rep.by its Managing Director,  
4<sup>th</sup> Floor, CMDA Tower  
Egmore, Chennai - 600 006.
- 4.The District Collector,  
Villupuram District.
- 5.Superintendent of Police,  
Master Plan Complex, Collectorate  
Villupuram District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamas calling for the records in connection with the impugned order of the 1<sup>st</sup> respondent bearing Reference No.Na.Ka.No.A1/10/2019 dated 28.10.2019 and quash the same with regards to TASMAC Shop No.11587 and further direct the 1<sup>st</sup> respondent to act only in accordance with law.

For Petitioner : Mr.A.L.Franc Paul Asirvadam

For R1 to R3 : Mr.K.Sathish Kumar  
Standing Counsel

For R4 & R5 : Mr.D.Suryanarayanan,  
Addl. Govt. Pleader

#### O R D E R

This writ petition is filed challenging the proceedings of the first respondent dated 28.10.2019 directing the temporary closure of four TASMAC Shops referred to therein.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner claims to be the owner of the premises in which one of the subject matter TASMAC Shop No.11587 was running all along. The said premises was taken on lease by the TASMAC from the petitioner for the purpose of running the TASMAC Shop. However, now the first respondent has taken a decision to temporarily close the shop and accordingly issued the impugned proceedings. Challenging the said decision, the petitioner has approached this Court and filed the present writ petition.

4. I am not convinced on the locus standi of the petitioner to challenge the impugned closure of shop merely because he is the owner of the premises. Undoubtedly, he has no connection whatsoever in running the TASMAC Shop in the said premises except being the landlord of the premises. Needless to say that right of the landlord over the premises is to be confined only with the premises and not with the business which is being run in the said premises. In other words, the petitioner being the owner is not entitled to either demand or seek for a direction to the lessee to continue a particular business in the said premises. If the landlord is having any difficulty in receiving the rent or if he wants to take possession of the premises from the lessee, the recourse open to him is available under law only for taking possession of the property from the lessee. Certainly, the landlord cannot question the closure of the shop either permanently or temporarily in the said premises. Once it is closed, he can very well seek for the possession of the premises.

5. The learned counsel for the petitioner relied upon a decision of the learned Single Judge of this Court made in W.P.Nos.3828 and 4444 of 2019 dated 30.04.2019. A perusal of the facts and circumstances of the said case would show that they are not similar to the one before this Court. Even

otherwise, the question of locus standi of the landlord is not the issue considered and decided in the said writ petitions. Therefore, I find that the present writ petition is misconceived. It is also seen that the petitioner has already approached the Civil Court in O.S.No.88 of 2018 on the file of the Additional District Munsif Court, Tindivanam and seems to have obtained some interim order therein. This Court, at this stage is not expressing any view on the merits of the said order, as this Court finds that the prayer sought for in this writ petition cannot be granted in view of the above stated findings and observations.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rgr  
To

1. The District Manager  
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5. The Superintendent of Police,  
Master Plan Complex, Collectorate  
Villupuram District.

+2cc to Mr.A.L.Franc Paul Asirvadam, Advocate, S.R.No.92988  
+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No.93134

W.P.No.31381 of 2019

SSD(CO)  
CS/02/12/2019