

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.31824 of 2019
and
W.M.P.No.32062 of 2019

A.Charles
S/o.Late Alex

...Petitioner

vs.

1.The District Collector
O/o. The District Collector
Udhagamandalam
The Nilgiris District.

2.The District Manager
TASMAC
The Nilgiris District.

3.The Assistant District Manager
TASMAC
The Nilgiris District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 14.10.2019 and 16.10.2019 by allotting the Shop No.8253 situated at the Nilgiris District.

For Petitioner : Mr.P.K.Harinathbabu
For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader for R1
Mr.K.Sathishkumar
standing counsel for R2 & R3

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the first respondent. Mr.K.Satishkumar, learned standing counsel takes notice for the respondents 2 & 3. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed seeking for a mandamus directing the respondents to dispose of the representations dated 14.10.2019 and 16.10.2019, wherein and whereby, he sought for allotment of TASMAC shop No.8253 at the Nilgiris District.

3. Heard both sides.

4. It is claimed by the petitioner that he participated in the tender process for allotment of the TASMAC Shop No.8253 and however, it was not allotted to him and on the other hand, the authorities seems to have allotted the same in favour of another person illegally. Therefore, the petitioner made representations dated 14.10.2010 and 16.10.2019, wherein and whereby, he sought for allotment of TASMAC shop in his favour. To dispose of the said representations, the present writ petition is filed before this Court.

5. I do not think that the present course of action is the proper remedy, as admittedly, the petitioner has not questioned the issuance of bar licence in favour of the third party.

6. The Learned Additional Government Pleader for the first respondent submitted that the bar licence was issued in favour of the highest bidder, whereas the petitioner being the second highest bidder. Therefore, he contended that there is no illegality in the allotment of bar licence to the third party.

7. This Court, at this stage, is not expressing any view on the rival contentions made by the parties in respect of allotment of the bar licence in favour of the third party, who is not a party/respondent in this writ petition, more particularly, when the relief sought for in this writ petition is only seeking for mandamus directing the respondents to dispose of the representations of the petitioner. I have already pointed out that such relief cannot be granted, unless the petitioner questions the very allotment of bar licence in favour of the third party in the manner known to law.

8. Accordingly, this Writ Petition is disposed of, only by granting liberty to the petitioner to work out his remedy as against such allotment before appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

mk

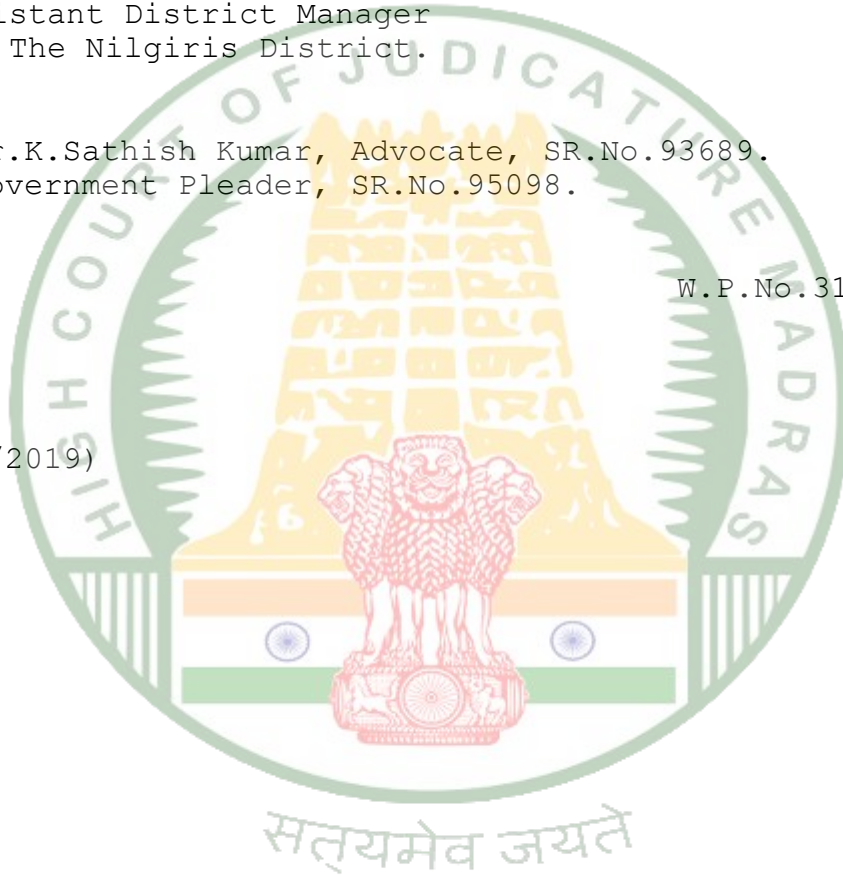
To

- 1.The District Collector
O/o. The District Collector
Udhagamandalam
The Nilgiris District.
- 2.The District Manager
TASMAC, The Nilgiris District.
- 3.The Assistant District Manager
TASMAC, The Nilgiris District.

+lcc to Mr.K.Sathish Kumar, Advocate, SR.No.93689.
+lcc to Government Pleader, SR.No.95098.

W.P.No.31824 of 2019

PP (CO)
CSR(13/12/2019)



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