



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W(MD)No.74 of 2019
in
W.P.(MD)No.5693 of 2018

1.The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
CMDA Complex, Egmore,
Chennai-600 008.

2.The Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
No.100, Anna Nagar,
Madurai-625 020.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai South, SIPCOT, Kappaloor,
Madurai District.

... Revies Appellants/
Respondents

Vs.

A.Thavasi

... Respondent/Petitioner

PRAYER: Petition filed under Order 47 Rule 1 Section 114 of C.P.C., praying to allow the review application and set aside the order passed in W.P.(MD)No.5693 of 2018, dated 19.03.2018.

Prayer in WP(MD). 5693/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus to direct the respondents to permit the petitioner for selling eatables and for collecting empty bottles in the Bar attached to TASMAC retail vending shop of respondents bearing No.5160 Madurai, until the finalization of the next tender, in accordance with law.

For Petitioners

:Mr.H.Arumugam

For Respondent

:Mr.S.Malaikani

for M/s.Veera Associates



ORDER

The respondent was granted license to sell eatables and collect empty bottles in the bar attached to TASMAC retail vending Shop No.5160, Madurai.

2.When TASMAC wanted to hold the tender, the same was challenged by the respondent herein by filling W.P.(MD)No.1676 of 2018. Since no interim order was granted therein, the tender process was conducted. But then, it attracted only one participant. Therefore, the tender process itself was cancelled. Therefore, TASMAC wanted to hold a fresh tender process. At that stage, the respondent filed W.P.(MD)No.5693 of 2018. This Court, by order dated 19.03.2018, directed that till the tender process gets concluded and subject to the result of the earlier writ petition filed by the respondent, the respondent can continue to be the licensee. The writ petition was allowed to that limited extent. The said order is now sought to be reviewed by contending that the respondent herein is successfully thwarting effective participation in the tender process initiated by TASMAC and that, on the strength of the order granted by this Court, he is continuing to be the licensee.

3. The primary grievance of the review applicant/TASMAC is that the respondent is paying the license fee only at the 2015 rate. These circumstances have impelled the TASMAC to file this review application.

4. When the case was taken up for hearing, the learned counsel appearing for the respondent/writ petitioner submitted that the review application itself has become infructuous.

5.After a careful consideration of the rival contentions, I am of the view that the order passed by me on 19.03.2018 does not warrant any review and it does not suffer any error on the apparent on the face of the record. The review applicant ought to appreciate the true import of the said order. All that I directed was that till the tender process initiated by the TASMAC got concluded, the respondent will be entitled to continue to sell eatables and collect empty bottles in the bar attached to the said TASMAC Shop. As rightly pointed out by the respondent herein, the said tender process got concluded. Therefore, the respondent will not have the benefit of my order any further. It is always open to the TASMAC to cancel the license of the respondent and act as they deem fit.



6. With this clarification, the review application is dismissed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

TO

- 1.The Managing Director,
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+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-84679[F] dated 30/08/2019)

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KM/(11.10.2019) 3P 5C