



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2019**

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

WEB COPY

W.P.(MD)No.16403 of 2019
W.M.P.(MD).No.13065 of 2019

M.P.Pandeeswari

...Petitioner

-Vs-

1.The Commissioner,
Prohibition & Excise /
Managing Director TASMAC,
CMDA-Tower-II, Egmore,
Chennai-600008.

2.The District Collector,
Madurai District.

3.The District Manager (Madurai North)
Tamilnadu State Marketing Corporation,
No.1, Rameswaram National Highways,
Manalur P.O., Madurai North Taluk,
Madurai District.

...Respondents

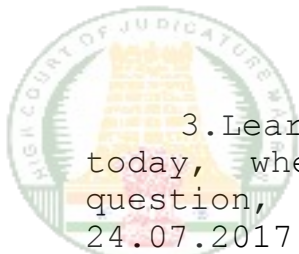
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the third respondent from shifting the TASMAC Shop No.5436 to any other place from the petitioner's building situated in Plot No.40 comprised in S.No.17/3 and 18/1 in Nayakkanpatti Village, Madurai North Taluk, Madurai District which is let out under the agreement dated 08.03.2017, unilaterally and arbitrarily and also dehoring Rule 9 of Tamilnadu Liquor Retail Vending (in Shop & Bar) Rules 2003.

For Petitioner	: Mr.R.Suriya Naranayanan
For R1 & R2	: Mr.A.Thiyagarajan, Government Advocate
For R3	: Mr.Arumugam

ORDER

The petitioner prays for Mandamus forbearing the third respondent /District Manager, Madurai North, TASMAC, from shifting shop No.5436 to any other place from his building at Plot No.40 comprised in S.No.17/3 and 18/1 in Nayakkanpatti Village, Madurai.

2.Admittedly, the petitioner had entered into an agreement with the third respondent as early as on 08.03.2017 for letting out the shop in question to TASMAC. The shop ran in that location only for 10 days and thereafter, was forced to vacate from there on account of local law and order problem.



3.Learned counsel for TASMAC on notice has filed a counter today, wherein he states that after shifting of the shop in question, TASMAC had shifted the venue to an alternate location on 24.07.2017. The Shop had run in that location till 31.07.2017. But was forced to shift again on account of law and order problem. On 05.06.2018, the third location had been found suitable and the shop is running presently in the aforesaid location.

4.I find no justification to entertain the present writ petition. Admittedly, the agreement entered into with TASMAC has been aborted even as early as in March 2017 and the petitioner admits the position that the shop was run from premises only for 10 days. Having accepted that situation, he is estopped from approaching the Court two long years after the shifting of the shop.

5.Recording the above narration of facts, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner, Prohibition & Excise /
Managing Director TASMAC, CMDA-Tower-II, Egmore,
Chennai-600008.
- 2.The District Collector, Madurai District.
- 3.The District Manager (Madurai North)
Tamilnadu State Marketing Corporation,
No.1, Rameswaram National Highways,
Manalur P.O., Madurai North Taluk, Madurai District.

- +1 CC to Mr.R.SURIYANARAYANAN, Advocate SR-77401.
- +1 CC to Mr.H.ARUMUGAM, Advocate SR-77568.
- +1 CC to SPL GP SR-77709.

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CS(17.09.2019) 2P 7C