



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

WP(MD).No. 21372 of 2019 and
WMP(MD).No. 18023 of 2019

K. Sankaran

: Petitioner

Vs.

1.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Virudhunagar,
Virudhunagar District.

2. V.Radhakrishnan
3. Gandhimathi

: Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus forbearing the 1st respondent from permitting the 2nd respondent in pursuance of the Tender Notification bearing Na.Ka.No. A3/371/2019/01, dated 13.09.2019 to run the Bar annexed with the TASMAC Shop No. 11889 in the property comprised Survey No. 7/1 at Railway Feeder Road, Periya Puliyampatti East Village, Aruppukottai Taluk, Virudhunagar District subjected to the civil dispute in O.S.No. 41 of 2019 on the file of the learned District Munsif Court, Aruppukottai, Virudhunagar District on the basis of the petitioner's representation dated 01.10.2019 within the time frame stipulated by this court.

For Petitioner

: Mr. R.Shankar Ganesh

For Respondents

: Mr. H.Arumugam
Standing Counsel

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus forbearing the 1st respondent from permitting the 2nd respondent in pursuance of the Tender Notification bearing Na.Ka.No. A3/371/2019/01, dated 13.09.2019, to run the Bar annexed with the TASMAC Shop No. 11889 in the property comprised in Survey No. 7/1 at Railway Feeder Road, Periya Puliyampatti East Village, Aruppukottai



Taluk, Virudhunagar District, which is the subject of the civil dispute in O.S.No. 41 of 2019, on the file of the learned District Munsif Court, Aruppukottai, Virudhunagar District, on the basis of the petitioner's representation, dated 01.10.2019 within a time frame to be stipulated by this court.

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2. The petitioner was running a bar attached to TASMAL shop at Virudhunagar District. Subsequent to the tender, the second respondent has become a successful bidder to run the bar. The dispute between the parties is with regard to subsistence of lease agreement. According to the petitioner, he is in possession of the premises and he has filed the suit against the landlady from evicting him by undue process of law. Now, during the pendency of the suit, the petitioner is before this Court seeking an injunction forbearing the first respondent from permitting the second respondent to run the bar in the property in dispute.

3. I have heard the learned counsel appearing for the petitioner and Mr. H. Arumugam, learned Standing Counsel who took notice for the first respondent.

4. The petitioner has already approached the Civil Court in respect of his possession and unlawful eviction from the disputed property. He has to work out his remedy before the Civil Court for eviction of premises and licence granted to run the bar are two different issues. It is not mandatory that the bar should continue in the same premises. It can be run at any portion adjoining the shop. Having failed to hit the tender for running the bar, the petitioner has filed this Writ Petition to achieve his oblique motive. The Writ Petition is not maintainable for resolving the factual disputes between the parties. This Writ Petition is a clear abuse of process of law. Therefore, the Writ Petition is liable to be dismissed and accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

trp



To

The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.R.SHANKAR GANESH, Advocate SR-91491.
+1 CC to M/s.H.ARUMUGAM, Advocate SR-91691.

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