



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22302 of 2019

and W.M.P. (MD) .No.19072 of 2019

P.S.Georvis Mano

... Petitioner

vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The District Manager,
TamilNadu State Marketing Corporation (TASMAC)
Shenbagaraman Pudur,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from vacating the TASMAC Bar run by the petitioner attached with TASMAC Shop No.4706 at Door No.3F, Rajakkamangalam Road , Chettikulam Junction, Nagercoil.

For Petitioner : Mr.C.T.Perumal

For Respondent : Mr.B.Jameel Arasu

Standing Counsel for TASMAC, R-2

Mr.J.Gunaseelan Muthaiah

Addl. Govt. Pleader for R-1

O R D E R

Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice on behalf of the first respondent. Mr.B.Jameel Arasu, learned Standing Counsel takes notice on behalf of the second respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed forbearing the respondents from vacating the TASMAC Bar run by the petitioner attached with TASMAC Shop No.4706 at Door No.3F, Rajakkamangalam Road , Chettikulam Junction, Nagercoil.



4.The petitioner is a successful bidder to run a bar in respect of shop No.4706 at Door No.3F, Rajakkamangalam Road, Chettikulam Junction, Nagercoil.

5.A Honourable Division Bench of this Court in a Public Interest Litigation in W.P.(MD).Nos.21792 and 22903/2019, dated 17.10.2019, directed the District Collector to close down the TASMAC shop No.4706 immediately.

6.Now that, it was informed by the TASMAC before this Court that they are going to vacate the bar.

7.I have heard the submission of both sides.

8.(a)The issue of vacating the leased premises is privy to the landlord and tenant. If the petitioner chooses to run some other business and if the landlord permits to continue the tenancy, it is open to him to reopen the premises and the TASMAC cannot have any say in that matter.

(b)In so far as running of TASMAC shop is concerned, it is between the licensee and TASMAC. When the TASMAC applies for relocating the shop, the petitioner has to work out his remedy for relocating the bar attached to said shop with the TASMAC authorities.

Hence, there cannot be a direction, forbearing the TASMAC from vacating the TASMAC bar in view of the order passed by the Honourable Division Bench cited above. The writ petition is not maintainable.

9.Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vs

To:

1.The District Collector,
Kanyakumari District,
Nagercoil.



2.The District Manager,
TamilNadu State Marketing Corporation (TASMAC)
Shenbagaraman Pudur,
Kanyakumari District.

+1CC TO MR.B.JAMEEL ARASU, Advocate Sr. No.93871
+1CC TO MR.C.T.PERUMAL, Advocate Sr. No.93646
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 94040

W.P. (MD) No.22302 of 2019

PK (CO)
TR(05.11.2019) 3P 6C