



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.23353 of 2019

P.Karuppaiah

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation,
Mullipady,
Trichy Main Road,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondent to issue order permitting the petitioner to sell snacks and collection of empty bottles at the bar attached to shop No.3347 of Tamilnadu State Marketing Corporation, Dindigul district for the period from 01.10.2019 to 30.09.2021.

For Petitioner : Mr.S.Anand Chandrasekar
for M/s. Sarvabhauman Associates
For Respondent : Mr.H.Arumugam

ORDER

This writ petition is filed for a direction, directing the respondent to permit the writ petitioner to sell snacks and collect empty bottles from the bar attached to shop No.3347, as per confirmation issued in Na.Ka.No.0094/2019/C.V-3 dated 30.09.2019 by the respondent.

2.As per direction, the petitioner has deposited the amount vide three Demand Drafts dated 03.10.2019. The details of Demand Drafts are given as under:

(i)DD.No.531871, for a sum of Rs.1,071/-, drawn in favour of the District Manager, TASMAL Ltd, Dindigul, dated 03.10.2019;

(ii)DD.No.531872, for a sum of Rs.1,89,200/-, drawn in favour of the District Manager, TASMAL Ltd, Dindigul, dated 03.10.2019 and

(iii)DD.No.531873, for a sum of Rs.1,06,029/-, drawn in favour of SBI Treasury Branch (Main) Bank Code No.0835 ED - 301, dated 03.10.2019.



Now that, the learned counsel appearing for the respondent would submit that the petitioner has not deposited the bid amount and therefore, the respondent could not issue license.

3.The learned counsel appearing for the petitioner would draw the attention of this Court to the confirmation order as well as the Demand Drafts drawn in favour of the respondent. As per communication of the respondent, the petitioner has to deposit the amount on or before 03.10.2019. The drawal of Demand Drafts shows *bona fide* of the petitioner and that the communication made by him also reveals the fact that he has already submitted the Demand Drafts to the respondent office.

4.In such circumstances, I do not find any reason for not issuing license in favour of the petitioner. The petitioner having already taken Demand Drafts in favour of the respondent within the time limit specified, has no reason to retain it with him.

5.At this juncture, the learned counsel appearing for the petitioner would also submit that the petitioner had already submitted No Objection Certificate obtained from the landlord of the premises to the respondent. Therefore, it is incumbent on the part of the respondent to issue license to the petitioner. The petitioner is directed to resubmit the copies of Demand Drafts and No Objection Certificate to the respondent. On receipt of the same, the respondent is directed to issue license to the petitioner within a period of one week thereafter.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-97460[F] dated 12/11/2019)

+1 CC to Mr.H. ARUMUGAM, Advocate (SR-97606[F] dated 12/11/2019)

W.P. (MD)No.23353 of 2019
11.11.2019

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