



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3244 of 2020

and

W.M.P (MD)No.2750 of 2020

WEB COPY

P.Kannan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District,Madurai.

2.The Senior Regional Manager,
TASMAC,Office of the Senior Regional Manager,
Madurai Region,Madurai.

3.The District Manager,
TASMAC, Madurai South,Madurai.

4.The Assistant Commissioner (Excise),
Madurai Collector Office Campus,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from opening any TASMAC retail shop near the TASMAC retail Shop No.5248 at Ellisnagar, Sathiyamoorthy Nagar, 70-Foot Road, Bye-Pass Road, Madurai City.

For Petitioner : Mr.Veera Kathiran,
Senior Counsel for M/s.Veera Associates
For R-1 & R-4 : Mr.Aaiyiram K.Selvakumar,
Additional Government Pleader
For R-2 & R-3 : Mr.H.Arumugam

ORDER

Mr.Aaiyiram K.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 4 and Mr.H.Arumugam, learned standing counsel takes notice on behalf of the respondents 2 and 3.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, forbearing the respondents from opening any TASMAC retail shop near the TASMAC retail Shop No.5248 at Ellisnagar, Sathiyamoorthy Nagar, 70-Foot Road, Bye-Pass Road, Madurai City.

4. The petitioner is already running a bar attached to TASMAC Shop No.5248 at Door No.59/3, Ellisnagar, Sathiyamoorthy Nagar, Bye-Pass Road, Madurai City. He has been issued with the licence and the monthly licence fee is fixed as Rs.1,30,900/- taking into consideration the average sale value of the shop and such value is



fixed for the future years also. While so, the respondents have proposed to open a new TASMAL shop adjacent to the petitioner's shop.

5. According to the petitioner, opening of a new shop opposite to the present shop would considerably bring down the sale proceeds. It is stated that the licence fee is fixed based on the sale value and the licence fee is already fixed for the future years also ie., up to 2021.

6. Though the petitioner has sought for a Mandamus forbearing the respondents from opening a new TASMAL shop near the existing shop, now the petitioner has restricted his prayer that he would make a representation to all the respondents for refixing his licence fees in the event of the new shop being opened and the authorities may consider the same and pass appropriate orders.

7. Accordingly, the petitioner is directed to make an application to the respondents for refixing the licence fee in the event of new shop being opened opposite to his existing shop No.5248, within a period of two weeks from the date of receipt of a copy of this order. The respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of four weeks thereafter.

With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To:

- 1.The District Collector,
Office of the District Collector,
Madurai District,Madurai.
 - 2.The Assistant Commissioner (Excise),
Madurai Collector Office Campus, Madurai.
 - 3.The Senior Regional Manager,
TASMAL,Office of the Senior Regional Manager,
Madurai Region,Madurai.
 - 4.The District Manager,
TASMAL, Madurai South,Madurai.
- +1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-6907[F]
+1 CC to M/s.H.ARUMUGAM, Advocate (SR-7015[F] dated 19/02/2020)
+1 CC to M/s.SPL.GP (SR-7051[F] dated 19/02/2020)

W.P (MD)No.3244 of 2020

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SMA/26/02/2020/2P/8C

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