

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition Nos.1755, 1759, 1761 and 1829 of 2021
and
WMP. Nos.1960, 1964, 1969 and 2063 of 2021

M.Anbuselvam

...Petitioner in W.P.No.1755 of 2021

B.Vijay

...Petitioner in W.P.No.1759 of 2021

S.Lakshmi Kumar

...Petitioner in W.P.No.1761 of 2021

Tamil Manila Thiruvallur District
TASMAC Bar Owners,
Bar Building Owners &
Employees Nala Trust
Rep. by its Secretary
Mr.Sasikumar

.... Petitioner in W.P.No.1829 of 2021

Vs

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, Thalamuthu Natarajan Maligai,
Egmore, Chennai - 8.

.... Respondent in the above W.Ps.

2.The District Manager, TASMAC
Chennai North, B4, Ambattur Industrial Estate,
Chennai - 600 058.

... Respondent in W.P.Nos.1755,
1759 and 1761 of 2021

PRAYER in W.P.No.1755 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 05.01.2021 seeking to collect 50% of the license fee fixed to the shop No.76 situated at No.86, M.S.Koil Street, Royapuram, Chennai - 600 013.

PRAYER in W.P.No.1759 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for the

issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 08.01.2021 seeking to collect 50% of the license fee fixed to the shop No.139 situated at No.491/492, Mint Street, Chennai - 600 0-79.

PRAYER in W.P.No.1761 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 08.01.2021 seeking to collect 50% of the license fee fixed to the shop No.283 situated at No.417, SRP Koil Street, Perambur, Chennai - 600 082.

PRAYER in W.P.No.1829 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 13.01.2021 and seeking to collect 50% of the license fee fixed to the bar owners till the 100% occupancy of seat capacity to be ordered.

For Petitioner in all W.P.s : Mr.L.Chandrakumar
For Mr.M.Manimaran
For Respondents in W.P.Nos.1755,
1759 & 1761 of 2021 : Mr.P.Arumugarajan
Standing Counsel
For Respondents in W.P.No.1829
of 2021 : Mr.K.Sathish Kumar
Standing Counsel

C O M M O N O R D E R

Mr.P.Arumugarajan, learned Standing Counsel accepts notice for the respondents in W.P.Nos.1755, 1759 and 1761 of 2021 and Mr.K.Sathish Kumar, learned Standing Counsel accepts notice for the respondent in W.P.No.1829 of 2021.

2. The prayer is for a mandamus directing the first respondent in the writ petitions to consider the representations of the petitioners dated 05.01.2021, 08.01.2021, 08.01.2021 and 13.01.2021 and collect 50% of the licence fee fixed in relation to shop No.76 situated at No.86, M.S.Koil Street, Royapuram, Chennai - 600 013, shop No.139 situated at No.491/492, Mint Street, Chennai - 600 0-79, shop No.283 situated at No.417, SRP Koil Street, Perambur, Chennai - 600 082 and from the licencees of the TASMAL Bar who are members of the petitioner association in W.P.No.1829 of 2021.

3. The reasoning on the basis of which the requests have made is that the guidelines issued during COVID - 19 pandemic had restricted the seating capacity to 50% of the available capacity.

4. Learned counsel for the petitioners would state that the petitioners have adhered strictly to the guidelines and have carried on business only to 50% of capacity. Hence it would be fair to seek reduction of licence fee correspondingly and proportionately.

5. It is for the authorities to consider the representations of the petitioners, either accepting or rejecting the same. Let them do so within a period of four (4) weeks from today.

6. Learned counsel for the petitioners would state that some protection be given in respect of the requirement to remit 100% of the licence fee by 31.01.2021.

7. Since the requirement of licence fee is as per the terms of the agreement inter se the parties, no interference is warranted on this score. I can only state that the payments to be effected towards licence fee by the petitioner shall be subject to the result of the representations once decided by the first respondent.

8. A technical objection is raised by Mr.Sathish Kumar, learned Standing Counsel to the maintainability of W.P.No.1829 of 2021 pointing out that this Writ Petition has been filed by an Association. However, bearing in mind the relief sought and the nature of order passed, he does not seriously pursue the objection.

9. With the aforesaid observation, these Writ Petitions are closed. Connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar (CS)

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Sub Assistant Registrar

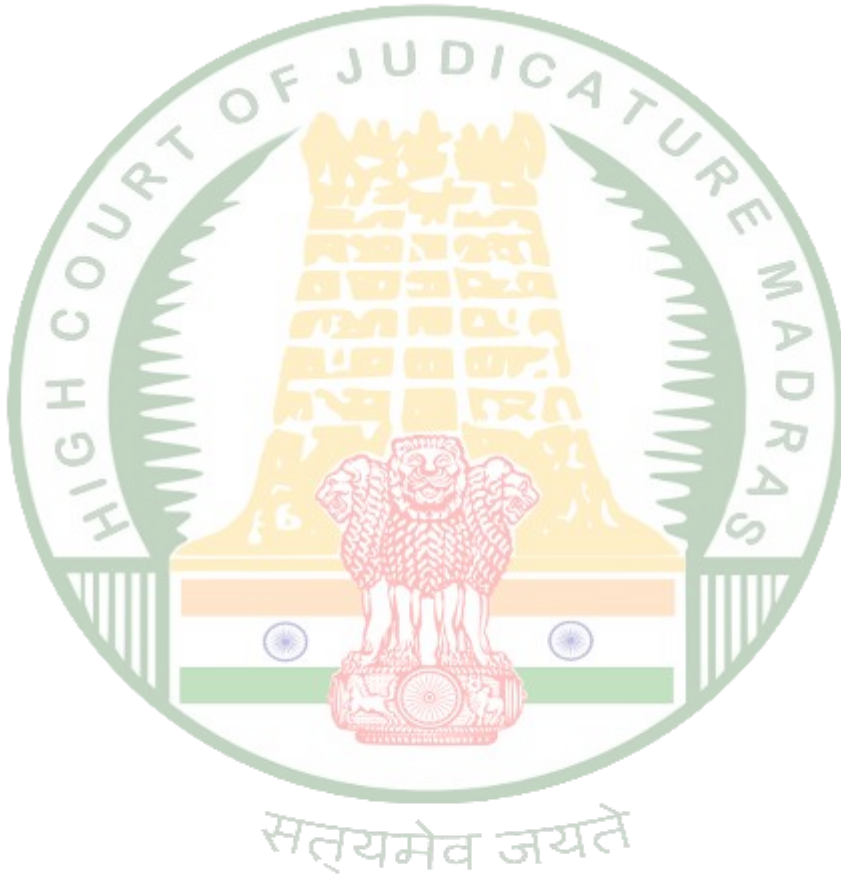
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To

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, Thalamuthu Natarajan Maligai,
Egmore, Chennai - 8.

2.The District Manager, TASMACH
Chennai North, B4, Ambattur Industrial Estate,
Chennai - 600 058.

+4ccs to Mr.M.Manimaran, Advocate SR.No.4761,4762,4763,4689
Writ Petition Nos.1755, 1759, 1761 and 1829 of 2021
and
WMP. Nos.1960, 1964, 1969 and 2063 of 2021
gsm (CO)
A.SK(10/03/2021)



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