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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.18840 of 2021

and

WMP.No.20137 of 2021

G.Dayalan

... Petitioner

-Vs.-

- 1.The Managing Director,
TASMAC Ltd.,
4th Floor, CMDA Towers-II,
Egmore, Chennai-600 008.
- 2.The District Manager,
TASMAC, Tiruvallur East District,
No.1, Bangalore High Road,
Thirumazhisai,
Tiruvallur District.
- 3.The Supervisor,
TASMAC Shop bearing No.8952,
First & Second Floor,
Door No.1/694, Valayapathi Street,
Mogappair East, Chennai-600 037.
- 4.Chitravadivu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondent to cancel the bar licence granted to the 4th respondent for running TASMAC Shop bearing No.8952, at First & Second Floor, Door No.1/694, Valayapathi Street, Mogappair East, Chennai-600 037 in view of petitioner complaint/representation dated 29.06.2021 by appreciating the above circumstances.

For Petitioner : Mr.C.S.Saravanan
for Mr.T.Arivarasan

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate for R1



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Mr.P.Arumugarajan
for Mr.K.Sathish Kumar
Standing counsel for TASMAL for R2 & R3

O R D E R

Captioned writ petition is in the Admission Board before this virtual Court.

2. Subject matter of captioned writ petition pertains to a TASMAL bar attached to a TASMAL Shop bearing No.8952 and the property in question is 'Door No.1/694, Valayapathi Street, Mogappair East, Chennai-600 037' (hereinafter 'said demised property' for the sake of convenience and clarity). To be noted, TASMAL is short form for 'Tamil Nadu State Marketing Corporation Limited'.

3. This Court is informed that aforesaid TASMAL shop is situate in the said demised property.

4. Mr.C.S.Saravanan, learned counsel representing the counsel on record for writ petitioner submits that said demised property is owned by writ petitioner and writ petitioner had given it on lease to fourth respondent vide a document captioned Rental Agreement dated 19.12.2018 for a period of eleven months, eleven months period elapsed on 19.11.2019 and the writ petitioner has neither renewed the lease nor entered a fresh lease agreement.

5. It is the further case of the writ petitioner that without the knowledge and consent of writ petitioner, a No Objection Certificate (NOC), forging his signature, has been submitted to second respondent and the aforementioned TASMAL bar attached to aforementioned TASMAL Shop continues to be run on the strength of such NOC. It is also the further case of the writ petitioner that on coming to know about the above, a police complaint has been lodged.

6. Be that as it may, short point involved in captioned writ petition is, writ petitioner has petitioned the TASMAL Authorities vide a representation dated 29.06.2021 in this regard and wants to mandamus the TASMAL Authorities to dispose of his representation. Though the prayer is a little expansive, learned counsel at the virtual hearing, abridges the prayer and submits that it will suffice if there is a simple mandamus to second respondent to dispose of petitioner's representation dated 29.06.2021 within a time frame.



7. Mr.NRR.Arun Natarajan, learned State counsel accepts notice on behalf of first respondent and Mr.P.Arumugarajan, Standing counsel for TASMAL representing Mr.K.Sathish Kumar, Standing counsel for TASMAL submits that Mr.K.Sathish Kumar accepts notice on behalf of respondents 2 and 3. As already alluded to supra, fourth respondent is a private respondent and this Court is informed that the fourth respondent is the lessee. Owing to the abridged, limited, narrow prayer of writ petitioner, this Court is of the considered view that the captioned writ petition can be disposed of by making an order, which is not adverse to fourth respondent. Therefore, this Court deems it appropriate to take up the writ petition and dispose it of. To be noted, in the directives to follow (infra) adequate safeguard will be made i.e., safety valve will be put in place qua fourth respondent (private respondent) as the writ petition is being disposed of in the Admission Board.

8. Captioned writ petition is disposed of by passing the following order:

a) Second respondent is directed to consider and dispose of writ petitioner's representation dated 29.06.2021 (pages 11 to 13 of typed set of papers) on its own merits and in accordance with law by making a speaking order as expeditiously as possible i.e., as expeditiously as his business would permit and in any event within three(3) weeks from today i.e., on or before 28.09.2021;

b) Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter and all questions are left open to be decided by second respondent while disposing of aforementioned representation on its own merits and in accordance with law;

c) Second respondent shall put the fourth respondent on notice, give sufficient opportunity to fourth respondent (private respondent) to set out her stated position and take into account the same before disposing of the representation of writ petitioner; To be noted, this is the safety valve/safety mechanism (alluded to supra) that has been put in place qua fourth respondent as the main writ petition is being disposed of in the Admission Board;

d) Order/proceedings disposing of the representation shall be served under due acknowledgement on both the writ petitioner as well as the fourth respondent within seven(7) working days from the date of the order;



9. Captioned writ petition disposed of with aforesaid directives. There shall be no order as to costs. Consequently, connected WMP is also disposed of as closed.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kmi

To

- 1.The Managing Director,
TASMAC Ltd.,
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- 2.The District Manager,
TASMAC, Tiruvallur East District,
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- 3.The Supervisor,
TASMAC Shop bearing No.8952,
First & Second Floor,
Door No.1/694, Valayapathi Street,
Mogappair East, Chennai-600 037.

+1cc to Mr.T.Arivarasan , Advocate, S.R.No.45269

+1cc to the Government Pleader, S.R.No.45845

W.P.No.18840 of 2021
and
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NR(CO)
SU(13/09/2021)