



WEB COPY

W.P.(MD)No.1029 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1029 of 2021

and

W.M.P.(MD)No.897 of 2021

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: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from opening a bar in the TASMAC retail shop No.5234 at Ellisnagar, Sathiyamoorthy Nagar 70-Foot Road, Bye-pass Road, without re-fixing licence fee to the petitioner.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.M.Rajarajan

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is running a bar attached to TASMAC Shop No.5248 at the petition mentioned premises. The petitioner has been paying the monthly license fee of Rs.1,30,900/- without default. The petitioner's grievance is that a new bar is sought to be opened in the vicinity. If that happens, the petitioner's business will be severely affected. Therefore, the petitioner moved this Court by filing W.P.(MD)No.3244 of 2020 and this Court, by order dated



18.02.2020, directed the respondents to pass orders on the petitioner's application for refixation of the license fee in the event of new shop being opened opposite to his existing shop. The petitioner now states that without such refixation, a new shop / bar cannot be opened.

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3.I am afraid that I cannot entertain this contention. The petitioner does not have any legal right as such. No condition has been imposed in the agreement that a new shop or bar will not be opened in the vicinity. The petitioner is unable to cite any statutory rule. The petitioner is placing his case on the order dated 18.02.2020. If according to the petitioner, the said direction has not been complied with, it is for the petitioner to file contempt petition. No restraint order can be granted. Leaving open the petitioner's rights, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 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.

+1 CC to SPL GP (SR-2048[F] dated 25/01/2021)

W.P. (MD)No.1029 of 2021
22.01.2021

VB (04.02.2021) 3P 6C