



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.08.2021
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)Nos.13060 & 14127 of 2019

and

W.M.P(MD) Nos.9741 & 10589 to 10591 of 2019

D.Radhan ...Petitioner (in Both Writ Petitions)

Vs.

1. The District Collector,
Trichy District.

2. The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited,
Trichirappalli.

3. The Deputy Collector/ District Manager,
Tamil Nadu State Marketing
Corporation Limited,
Thuvakkudi,
Trichirappalli.

... Respondents (in both Writ Petitions)

PRAYER IN W.P(MD)No. 13060 of 2019: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from orally insisting the petitioner not to sell eatables and to collect empty bottles in the bar attached to TASMAL Shop No.10526, located at Pettavaithalai Village, Sirugamani Town Panchayat, Trichy District, in terms of license granted to him by the third respondent in License No.56/2018-19 dated 01.09.2018 without passing any written orders.

PRAYER IN W.P(MD)No. 14127 of 2019: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the third respondent in Na.Ka.No.526/2017/CV3 dated 31.10.2018 and consequential order of the third respondent in Na.Ka.No.526/2018/R.V-3 dated 29.05.2019, quash the same.

For Petitioner : Mr.A.Rahul (in both Writ Petitions)

For R1 : Mr.D.Gandhiraj (in both Writ Petitions)
Government Advocate

For R2 & R3 : Mr.Jameel Arasu (in both Writ Petitions)

**COMMON ORDER**

Since the issue raised in both the writ petitions are interconnected and the writ petitions were filed by the same petitioner, with the consent of learned counsel for both sides, these writ petitions are taken up jointly and have been disposed of by this common order.

2.The prayer sought for in W.P.(MD)No.13060 of 2019 is for a Writ of Mandamus, forbearing the respondents from orally insisting the petitioner not to sell eatables and to collect empty bottles in the bar attached to TASMAC Shop No.10526, located at Pettavaithalai Village, Sirugamani Town Panchayat, Trichy District, in terms of license granted to him by the third respondent in License No.56/2018-19 dated 01.09.2018 without passing any written orders.

3.The petitioner was granted licence to run a bar attached with TASMAC retail vending shop No.10526, Pettavaithalai Village, Sirugamani Town Panchayat, Tiruchirappalli District during the period between 2018 and 2019. When he was running the bar, it is the grievance of the petitioner as espoused in the writ petitions that the respondents orally insisted the petitioner not to sell eatables. Therefore, only at that juncture, in order to redress the said alleged grievance, the petitioner filed the writ petition in W.P.(MD)No.13060 of 2019 with the aforesaid prayer seeking a prohibitory mandamus to be issued against the respondents not to give any such oral instructions not to sell eatables in the bar run by the petitioner, for which, he was given licence.

4.When the writ petitions are taken up for final hearing, Mr.B.Jameel Arasu, learned counsel appearing for the respondents 2 and 3 and Mr.D.Ghandiraj, learned Government Advocate appearing for the first respondent, on instructions, would submit that the very licence issued to the petitioner was expired on 01.10.2018, since it was one year licence and thereafter, licence was not renewed and in this context, infact, the petitioner, since wanting to get security deposit amount from the respondent TASMAC, had already approached the respondent TASMAC by filing a representation and in order to consider the said representation and in order to release the security deposit, he had already filed a writ petition in W.P.(MD) No.24022 of 2018, which also came to be disposed of by this Court by order dated 02.08.2021 (yesterday) and in view of the said development, nothing survives in the writ petitions.

5.The said position as has been projected by the learned counsel appearing for the respondents is not in controversy, as it cannot be controverted by the learned counsel for the petitioner, since the licence period was over as early as on 01.10.2018. Therefore, question of giving any further mandamus to prohibit the respondents as claimed in this writ petition does not arise. Therefore, recording the aforesaid, the prayer sought for herein



becomes infructuous. Accordingly, this Writ Petition in W.P.(MD) No.13060 of 2019 is dismissed. However, no order as to costs.

6. Insofar as W.P.(MD) No.14127 of 2019 is concerned, the demand letter issued by the third respondent to pay licence fee has been under challenge.

7. However, in view of the aforesaid fact that licence itself was expired on 01.10.2018 and since the petitioner does not want to continue or pursue his claim to get licence renewed, since he had approached this Court in the aforesaid W.P.(MD) No.24022 of 2018, where he got an order to get back the very security deposit, the prayer sought in the writ petition in W.P.(MD) No.14127 of 2019 has become infructuous. Accordingly, this Writ Petition in W.P.(MD) No.14127 of 2019 is dismissed. However, no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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,
Trichy District.
2. The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited,
Trichirappalli.
3. The Deputy Collector/ District Manager,
Tamil Nadu State Marketing
Corporation Limited,
Thuvakkudi,
Trichirappalli.

+1 CC to M/s.A.RAHUL, Advocate (SR-25224[F] dated 04/08/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-82963[F] dated 22/08/2019)

<https://hcservices.ecourts.gov.in/hcservices>



+1 CC to M/s.B. JAMEEL ARASU, Advocate (SR-83429[F] dated
26/08/2019)

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W.P. (MD) Nos.13060 & 14127 of 2019

Dated:
03.08.2021

KM(CO)

KB(17.08.2021) 4P 7C