



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. [MD] No. 17077 of 2021

and

W.M.P. [MD] No 14010 of 2021

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M. Rajakumara Pandian

... Petitioner

Vs.

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

2. The Deputy Collector / District Manager,
Tamil Nadu State Marketing
Corporation Limited (Tasmac), Madurai South,
Kappalur Post,
Madurai District.

3. The Tamil Nadu State Marketing Corporation,
Represented by its Managing Director,
CMDA Complex, Egmore, Chennai.

... Respondents

[R3 is Suo motu impleaded vide Court order dated 21.09.2021 in
WP(MD) No. 17077 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.1259/2021/B dated 06.09.2021 and quash the same and consequently direct the second respondent to extend the license issued to the petitioner in the Na.Ka.No.489/2017/B dated 02.12.2019 for the Bar attached to the Tasmac Shop No.5592, situated at Tirupparankundram, Madurai, within the time limit that may be fixed by this Court.

For Petitioner : Mr. Ayyanar Prem Kumar

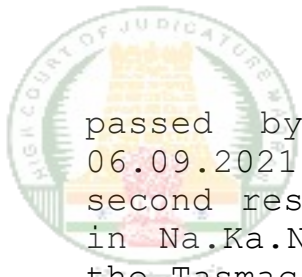
For Respondent No.1 : Mr. Veerakathiravan
Additional Advocate General
Assisted by Mr. D. Ghandiraj,
Government Advocate

For Respondents 2&3 : Mr. H. Arumugam,
Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order

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passed by the second respondent in Na.Ka.1259/2021/B dated 06.09.2021 and to quash the same and consequently direct the second respondent to extend the license issued to the petitioner in Na.Ka.No.489/2017/B dated 02.12.2019 for the Bar attached to the Tasmac Shop No.5592, situated at Tirupparankundram, Madurai.

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2.The petitioner is a licensee for running a Bar attached to the Tasmac Shop No.5592, for which the license obtained by the petitioner though has expired, he wanted to extend or renew the same for a further period, on the ground that, the petitioner has paid the license fee, wherein majority of period has gone during the Covid-19 and therefore, the Bar was not opened and thereby he sustained loss. Therefore, he seeks for renewal and the same since has not been granted, challenging the same, the present writ petition has been filed.

3.Heard Mr.veerakathiravan, learned Additional Advocate General assisted by Mr.D.Ghandiraj, learned Government Advocate appearing for the first respondent and Mr.H.Arumugam, learned Standing Counsel for the second and third respondents, who would submit that, during the lockdown period the respondent has not collected any amount from the petitioner and therefore, on that ground, he cannot seek for extension of the license period. Moreover, the learned Additional Advocate General would submit that, as of now, the respondent has no right of giving the benefit of privilege of license to any third party and if any third party right is to be created, a notice would be given for public auction and the petitioner, if he becomes a successful bidder, there can be no impediment for the petitioner to continue.

4.In view of the said stand taken by the respondents, the reason given by the respondent in not extending the license period as has been stated in the impugned order cannot be said to be an unsustainable one and therefore, the writ petition fails.

5.Accordingly, the Writ Petition stands dismissed with the aforesaid observation. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

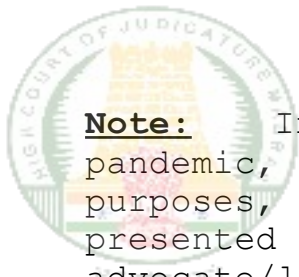
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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.

WEB COPY

To

- 1.The District Collector,
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- 2.The Deputy Collector / District Manager,
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Madurai District.
- 3.The Tamil Nadu State Marketing Corporation,
Represented by its Managing Director,
CMDA Complex, Egmore, Chennai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-32104[F] dated 21/10/2021)

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-32283[F] dated 22/10/2021)

W.P. [MD]No.17077 of 2021
20.10.2021

RK/PM(23/11/2021) 3P 6C