



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2021**
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.24022 of 2018
and
W.M.P (MD) .No.21734 of 2018

R.Thaanu

... Petitioner

-Vs-

1.The Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Trichy District.

2.Ramesh

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the entire records pertaining to the impugned order passed by the 1st respondent dated 26.09.2018 and quash the same as illegal, arbitrary and without jurisdiction and consequently direct the 1st respondent to permit the Petitioner to run the TASMAC Bar for Shop No.10537 of Ayyampalayam in accordance with the monthly sale as per the Condition no.16 of the condition imposed by the 1st respondent on the basis of the representation of the petitioner dated 22.10.2018.

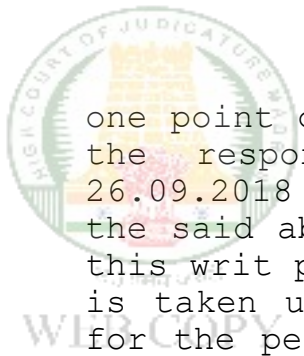
For Petitioner : Mr.R.Rajaraman

For Respondent No.1 : Mr.B.Jameel Arasu
Standing Counsel

ORDER

Prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent dated 26.09.2018 and quash the same. Consequently to direct the 1st respondent to permit the Petitioner to run the TASMAC Bar for Shop No.10537 of Ayyampalayam in accordance with the monthly sale as per the Condition No.16 of the condition imposed by the 1st respondent on the basis of the representation of the petitioner dated 22.10.2018.

2. The petitioner seems had been running a Bar attached to TASMAC Shop No.10537 at Ayyampalayam, Trichy District, however, at <https://hcservices.ecourts.gov.in/hcservices/>



one point of time for whatever be the reason, the Bar was closed by the respondents by pasting the impugned communication dated 26.09.2018 stating that the Bar closed in Shop No.10537. Challenging the said abrupt closing of the Bar, the petitioner though had filed this writ petition with the aforesaid prayer, when the writ petition is taken up for hearing, Mr.R.Rajaraman, learned counsel appearing for the petitioner has submitted that, though such a larger prayer was asked for by the petitioner, on instructions, he would submit that, the petitioner is now ready and willing to confine with his prayer that subsequent to the impugned notice pasted on the Bar concerned, the petitioner had given a detailed representation on 28.09.2018, whereby the petitioner had made a request to the first respondent only to return the security deposit, which is lying with the first respondent office and therefore, if the said representation is directed to be considered by the first respondent within a time frame on merits, the petitioner would be satisfied.

3. Heard Mr.B.Jameel Arasu, learned Standing Counsel appearing for the first respondent, who would submit that in view of the alleged violation of the condition, imposed already, by the petitioner, the Bar was closed. Therefore, as against which though the writ petition had been filed, now, since the writ petitioner confined with his prayer only to consider his representation dated 28.09.2018 followed by the further representation dated 22.10.2018 with regard to his plea to get back the security deposit, whether the security deposit for which the petitioner is entitled or not, is very well to be considered by the first respondent on merits and in accordance with law and therefore, to that extent the said representation can be considered and disposed of within the time stipulated by this Court, he contended.

4. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

5. In view of the said stand taken by the learned counsel appearing for both sides, this Court is inclined to dispose of the writ petition with the following directions:

"that there shall be a direction to the first respondent to consider the representation of the petitioner dated 28.09.2018 followed by the further representation dated 22.10.2018 and pass orders thereon with regard to the plea of the petitioner to get back the security deposit lying with the first respondent office and pass orders within a period of eight weeks from the date of receipt of a copy of this order."



6. With these directions, this writ petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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

The Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Trichy District.

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-25044[F] dated 02/08/2021)

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