



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.22820 of 2021

and

W.M.P(MD) .Nos.19297 and 19298 of 2021

M.Muthuramalingam : Petitioner
Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower-II, Fourth Floor,
Gandhi Irwin Bridge Road, Egmore,
Chennai - 600 008.

2.The Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Annanagar, Madurai.

3.The Sub Collector/The District Manager,
Tamil Nadu State Marketing Corporation Limited
(Madurai North),
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent vide his proceedings RC.No.06/10999/2018 dated 13.12.2021 and the impugned order passed by the third respondent in the news paper namely Tamil Sudar published on 14.12.2021 vide his proceedings Na.Ka.No.1118/2021/A3 dated 14.12.2021 and quash the same as illegal and consequently to direct the respondents to extend the period of license of the petitioner to run the TASMAL Bar attached with the Shop No.5109 situated in Thabalthandhi Nagar, Madurai District taking into consideration of the COVID-19 pandemic situation within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
instructed by Mr.H.Mohammed Imran
of M/s.Ajmal Associates (Law Firm)
For Respondents : Mr.H.Arumugan, Standing Counsel
for R1 to R3



O R D E R

This common order will dispose of the captioned main writ petition and the captioned two writ miscellaneous petitions (WMPs) thereat.

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2. Mr.M.Ajmal Khan, learned Senior Advocate instructed by Mr.H.Mohammed Imran of M/s.Ajmal Associates (Law Firm) on behalf of writ petitioner and Mr.H.Arumugam, learned Standing Counsel for 'Tamil Nadu State Marketing Corporation Limited' (hereinafter 'TASMAC' for brevity) who accepts notice on behalf of the three respondents are before me.

3. A 'notice dated 13.12.2021 bearing reference RC.No.06/10999/2018' (hereinafter 'impugned notice' for the sake of convenience and clarity) has been assailed in the captioned main writ petition. To be noted, a notice inviting tender published in newspapers being 'notice dated 14.12.2021' has also been assailed. These two notices shall be collectively referred to as 'impugned notices' for the sake of convenience and clarity.

4. The matter on hand is heading for a closure owing to the trajectory the hearing has taken today and therefore it is not necessary to dilate much on facts. Suffice to say that the captioned main writ petition has been filed by an individual who was a licensee qua rights to collect empty bottles and sell eatables attached to a TASMAC retail shop, namely Shop No.5109, situate in Thabalthandhi Nagar, Madurai North (hereinafter 'said Shop' for the sake of convenience and clarity). Writ petitioner has assailed the said impugned orders on very many grounds but at the hearing, on instructions, it was submitted that the writ petitioner will also participate in the auction qua impugned notices if he is favoured with a copy of a tender form. It is submitted that writ petitioner was not favoured with a tender form though it was sought for. I express no opinion on this complaint and learned Standing Counsel for TASMAC, on instructions, submits that if the writ petitioner approaches the office of the third respondent together with a Demand Draft for Rs.525/- (Rupees Five Hundred and Twenty Five only) as per 14.12.2021 impugned notification on or before close of working hours (5 PM) tomorrow (24.12.2021, Friday) the writ petitioner will be favoured with a copy of the tender form and on submission of the same, he will be permitted to participate in the auction on 30.12.2021 subject of course to scrutiny of the papers submitted by the writ petitioner.

5. Learned Senior Counsel for writ petitioner, on instructions, from the instructing counsel, who in turn has obtained instructions from writ petitioner submits that in this case, the above stand of respondents will suffice. This stated position of writ petitioner and respondents is recorded, the captioned writ petition is disposed



of as closed making it clear that I have not expressed any view or opinion on the merits of the matter qua the questions raised in the captioned main writ petition and consequently, captioned two W.M.Ps are also disposed of as closed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
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Gandhi Irwin Bridge Road, Egmore,
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- 2.The Regional Manager,
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Annanagar, Madurai.
- 3.The Sub Collector/The District Manager,
Tamil Nadu State Marketing Corporation Limited
(Madurai North),
Madurai District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-40506[F] dated 27/12/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-40433[F]
dated 27/12/2021)

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23.12.2021

NSN (CO)
GC (28.12.2021) 3P 6C