



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) Nos.1977 to 1983 of 2022

and

W.M.P. (MD) Nos.1716, 1714, 1711, 1717, 1726, 1721 and 1723 of 2022

In W.P. (MD) No.1977 of 2022:-

M.Makesh

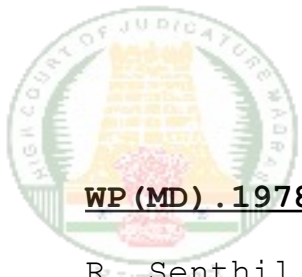
... Petitioner

/vs./

- 1.The State of Tamil Nadu
through its Principal Secretary to Government,
Prohibition and Exercise Department,
Fort St.George, Chennai 600 009.
- 2.The Managing Director,
Tamil Nadu State Marketing Corporation TASMAC,
CMDA Complex,
Egmore, Chennai 600 008.
- 3.The District Manager,
The Tamil Nadu State Marketing Corporation Limited (TASMAC),
Sivagangai.
- 4.K.Mooruthy
- 5.Velumani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7518 which is situated at T.S.No.511, T.S.No.878/8 (part), Survey Ward No.2, Sekkalaikottai, Kottaiyur Road, Karaikudi Town, is concerned, as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Transparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondents 1 to 3 to grant licence to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.



WP (MD) .1978/2022

R. Senthil.

... Petitioner

WEB COPY

- Vs. -

1. The State of Tamil Nadu Through its Principal Secretary to Government, Prohibition and Exercise Department, Fort St George, Chennai-600009.
2. The Managing Director Tamilnadu State Marketing Corporation TASMAC, Cnda Complex, Egmore, Chennai-600008.
3. The District Manager The Tamil Nadu State Marketing Corporation Ltd (TASMAC), Sivagangai.
4. Ravichandran S/o. Selvam, 19th Periyakottai, Pudur, Dindigul.
5. Velumani The District Manager, the Tamilnadu State Marketing Corporation Ltd (TASMAC) Narikuruvar Colony, Thondi Road, Palamalai Nagar, Soorakulam Village, Sivagangai ... Respondents

Prayer in WP(MD). 1978/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7703 which is situated at S.No.161/B, Mathagupatti Village, Mathagupatti, Sivagangai District is concerned, as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Transparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondents 1 to 3 to grant license to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.

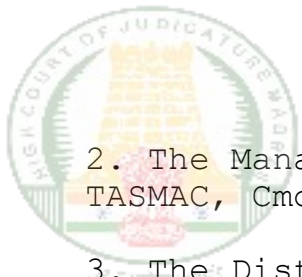
WP (MD) .1979/2022

S.Chellakannu

... Petitioner

- Vs. -

1. The State of Tamil Nadu Through its Principal Secretary to Government, Prohibition and Exercise Department, Fort St George, Chennai-600009.



2. The Managing Director Tamilnadu State Marketing Corporation
TASMAC, Cmda Complex, Egmore, Chennai-600008.

3. The District Manager The Tamil Nadu State Marketing Corporation
Ltd (TASMAC), Sivagangai.

4. K.Sivaraman, S/o Kandasamy Kappiliyapatti Dindigul

5. Velumani The District Manager, the Tamilnadu State Marketing
Corporation Ltd (TASMAC) Narikuruvar Colony, Thondi Road, Palamalai
Nagar, Soorakulam Village, Sivagangai ... Respondents

Prayer in WP(MD). 1979/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7516 which is situated at Plot No.285 T.S.No.392 part Kurinchi Vayal Karaikudi Municipal Town Sivagangai District is concerned as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Transparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondent 1 to 3 to grant license to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.

WP (MD) .1980/2022

S.Manimaran

... Petitioner

- Vs. -

1. The State of Tamil Nadu Through its Principal Secretary to Government, Prohibition and Exercise Department, Fort St George, Chennai-600009.

2. The Managing Director Tamilnadu State Marketing Corporation
TASMAC, Cmda Complex, Egmore, Chennai-600008.

3. The District Manager The Tamil Nadu State Marketing Corporation
Ltd (TASMAC), Sivagangai.

4. P.Mani S/o.Palanichamy Puliampatti Village Kumarapalayam
Chinnamarudhur Thiruppur.



5. Velumani The District Manager, the Tamilnadu State Marketing Corporation Ltd (TASMAC) Narikuruvar Colony, Thondi Road, Palamalai Nagar, Soorakulam Village, Sivagangai.

... Respondents

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Prayer in WP(MD). 1980/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7525 which is situated at KL.AR.M Street near Sekkalai Road Karaikudi is concerned as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Tansparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondents 1 to 3 to grant license to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.

WP (MD) .1981/2022

S. Subbiah

... Petitioner

- Vs. -

1. The State of Tamil Nadu Through its Principal Secretary to Government, Prohibition and Exercise Department, Fort St George, Chennai-600009.

2. The Managing Director Tamilnadu State Marketing Corporation TASMAC, Cmda Complex, Egmore, Chennai-600008.

3. The District Manager The Tamil Nadu State Marketing Corporation Ltd (TASMAC), Sivagangai.

4. Mooruthy.K S/o. Karuppasamy, Kavundor, Chinnamanayakanoor, Rajapuram, Karur.

5. Velumani The District Manager, the Tamilnadu State Marketing Corporation Ltd (TASMAC) Narikuruvar Colony, Thondi Road, Palamalai Nagar, Soorakulam Village, Sivagangai.

... Respondents



Prayer in WP(MD). 1981/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7531 which is situated at S.No.695, Door No.186/1, Sekkalai Road, Karaikudi and the land situated backside of the said site in S.No.707, Karaikudi, Sivagangai District is concerned, as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Transparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondents 1 to 3 to grant licence to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.

WP (MD) .1982/2022

Prabakaran.A

... Petitioner

- Vs. -

1. The State of Tamil Nadu Through its Principal Secretary to Government, Prohibition and Exercise Department, Fort St George, Chennai-600009.

2. The Managing Director Tamilnadu State Marketing Corporation TASMAC, Cmda Complex, Egmore, Chennai-600008.

3. The District Manager The Tamil Nadu State Marketing Corporation Ltd (TASMAC), Sivagangai.

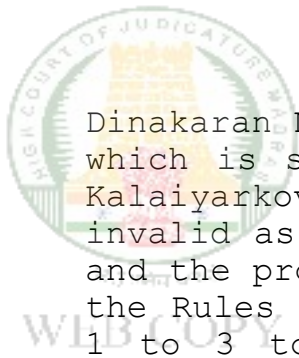
4. Arunkumar .V S/o. Velusamy, Thoppampatti, Dindigul.

5. Velumani The District Manager, the Tamilnadu State Marketing Corporation Ltd (TASMAC) Narikuruvar Colony, Thondi Road, Palamalai Nagar, Soorakulam Village, Sivagangai.

... Respondents

Prayer in WP(MD). 1982/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in



Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7694 which is situated at S.No.167/7, Kollangudi Village, Muthur Salai, Kalaiyarkovil, Sivagangai District, is concerned, as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Transparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondents 1 to 3 to grant license to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.

WP (MD) .1983/2022

V. Chinnaiah

... Petitioner

- Vs. -

1. The State of Tamil Nadu Through its Principal Secretary to Government, Prohibition and Exercise Department, Fort St George, Chennai-600009.

2. The Managing Director Tamilnadu State Marketing Corporation TASMAC, Cmda Complex, Egmore, Chennai-600008.

3. The District Manager The Tamil Nadu State Marketing Corporation Ltd (TASMAC), Sivagangai.

4. Maylsamy S/o. Palanisamy, Vengukalpatti, Kilangundal, Dharapuram, Tiruppur.

5. Velumani The District Manager, the Tamilnadu State Marketing Corporation Ltd (TASMAC) Narikuruvar Colony, Thondi Road, Palamalai Nagar, Soorakulam Village, Sivagangai.

... Respondents

Prayer in WP(MD). 1983/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring that the tender issued by respondents 2 and 3 for the license to collect empty bottles and to sell eatables at the Bar attached to the wine shops in Sivagangai District vide Tender notice in Na.Ka.No.A5/1651/2021 dated 13/12/2021 published in Dinakaran News Paper dated 15/12/2021 in so far as Wine Shop No.7696 which is situated at S.No.329/2, Mathagupatti Village, Mathagupatti, Sivagangai District, is concerned, as vitiated and invalid as it is violative of Article 14 of the Indian Constitution and the provisions of Tamilnadu Transparency in Tenders Act 1998 and the Rules framed thereunder and consequently direct the respondents 1 to 3 to grant license to the petitioner for the period from 01.01.2022 to 31.12.2024 for the said rights.



For Petitioners : Mr.VR.Shanmuganathan
(in all Petitioner)

For R1 : Mr.V.Nirmalkumar
Government Advocate
(in all Petitioner)

For R2 & R3 : Mr.Veerakathiravan
Additional Advocate General assisted by
Mr.H.Arumugam Standing Counsel
(in all Petitioner)

COMMON ORDER

Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.H.Arumugam, learned Standing counsel appearing for the respondents 2 and 3 submits that the petitioners have not been issued with licence so far.

2.Elaborate argument was advanced by the learned counsel for the petitioners. It is submitted that the petitioners were the highest bidders, but the official respondents have not issued Bar licence to the petitioners, pursuant to the tender floated by the respondent TASMAL. There is however no merits in these writ petitions.

3.A batch of writ petitions in W.P.Nos.27352 of 2021 and etc batch., have been dismissed by this Court vide order dated 31.01.2022, wherein several writ petitions filed by several persons, challenging the notification dated 14.12.2021. In the aforesaid order, the respondent TASMAL was restrained from giving licence to any person and was also directed to take steps to close down the Bars, wherever licences have been issued to a section of the bidders.

4.Considering the above stand taken by the learned Additional Advocate General and in the light of the order passed in the batch of writ petitions in W.P.Nos.27352 of 2021 and etc batch., dated 31.01.2022, dismissing the challenge to the notification dated 14.12.2021, I am inclined to dismiss these writ petitions. Accordingly, it stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2022

Sub Assistant Registrar(CS)



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The Principal Secretary to Government,
Prohibition and Exercise Department,
Fort St.George, Chennai 600 009.

WEB COPY

+1 CC to M/s.SPL GP (SR-5380[F] dated 10/02/2022)

+7 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-5785[F] dated
11/02/2022)

W.P. (MD) Nos.1977 to 1983 of 2022

ss (CO)

TR(02.03.2022) 8P 10C