



WEB COPY

W.P(MD) No.4757 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2022**

CORAM:

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

W.P. (MD) No.4757 of 2022

and

W.M.P. (MD) No.3956 of 2022

M.Mahendran

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
4th Floor, CMDA Tower-II,
Egmore, Chennai - 600 008.

2.The District Collector,
O/o.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Thuvakudi,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.03.2022 and award the contract to the petitioner in respect of the Retail Vending Liquor Shop No.10330, situated at Door No.595-1, Perumalmalai Adivaram Salai, Sorathur Post, Thuraiyur Taluk, Tiruchirappalli District.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 & R3 : Mr.B.Jameel Arasu
For R2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to consider the petitioner's representation dated 12.03.2022 and to award the contract to the petitioner in respect of the Retail Vending Liquor Shop No.10330, situated at Door No.595-1, Perumalmalai Adivaram Salai, Sorathur Post, Thuraiyur Taluk, Tiruchirappalli District.

2.It is the case of the petitioner that the petitioner was declared as the highest bidder in the auction conducted by the 3rd
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respondent on 31.12.2021 pursuant to a tender notification dated 13.12.2021. It is the further case of the petitioner that though the petitioner offered the highest bid, the respondents have awarded the tender to another person, who did not participate in the tender proceedings owing to latter's allegiance to the ruling establishment.

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3. Under these circumstances, the learned counsel for the petitioner submits that the petitioner's representation dated 12.03.2022 sent to the 3rd respondent may be directed to be considered.

4. The learned counsel for the 3rd respondent submits that the respondents are eclipsed from awarding licence to the person, who has not been awarded tender, in the light of the order passed on 31.01.2022 in the case of **Jaganathan and others Vs. the Managing Director and another** in a batch of writ petitions.

5. I find sufficient merits in the submissions of the learned counsel for the 3rd respondent as the 3rd respondent cannot proceed to open/award the said licences, if already licence has not been granted prior to the aforesaid order dated 31.01.2022. The respondent TASMACH has also been directed to take steps to close down all the Bars, where licences have been granted within a period of 6 months.

6. Considering the above, I do not find any merits in this writ petition. That apart similar writ petitions were filed before this Court and the writ petitions were also dismissed. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar (CS)

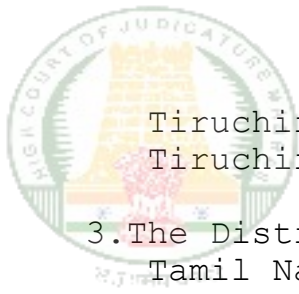
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To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
4th Floor, CMDA Tower-II,
Egmore, Chennai - 600 008.

2. The District Collector,
O/o. The District Collector,

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Tiruchirappalli District,
Tiruchirappalli.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Thuvakudi,
Tiruchirappalli District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-12843[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-12972[F] dated 18/03/2022)

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17/03/2022

SRR(CO)
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