



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) .No.8255 of 2022

A.Selvam

... Petitioner

Vs.

1.The Commissioner,
Prohibition & Excise/Managing Director TASMACH,
CMDA-Tower-II, Egmore,
Chennai-600 008.

2.The District Manager(Pudukottai)
Tamil Nadu State Marketing Corporation,
Pudukottai District.

3.S.Venkatesh Kumar

4.Ganesan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, calling for the records relates to the impugned order of the second respondent in Na.Ka.No.A6/466/2018, dated 07.04.2022 and quash the same as it is illegal and in consequence to direct the 2nd respondent to cancel the allotment of the bar to the building bearing Door No.338/10, situated in T.S.No.17/4A in Ganganthapuram, Aranthangi Town, vide proceeding in Na.Ka.No.A3/1751/8506/2021, dated 24.01.2022.

For Petitioner : Mr.R.Suriya Narayanan

For R1 & R2 : Mr.H.Arumugam

ORDER

The petitioner has filed this writ petition challenging the impugned order dated 07.04.2022 passed by the 2nd respondent/the District Manager, Pudukkottai.

2.It is the case of the petitioner that the petitioner is having a lease, which was valid for a period commencing from 01.09.2021 to 30.08.2022. It is submitted that during the currency of the said lease, the landlord has given 'No Objection' to the



respondents and that pursuant to the aforesaid 'No Objection', the bidder/the 3rd respondent has been given licence, pursuant to an auction conducted during December, 2021.

3.It is further submitted that the petitioner has earlier filed a suit against the landlord, namely the 4th respondent in O.S.No.50 of 2022 on the file of the District Munsif Court, Aranthangi. The private dispute between the petitioner and the 4th respondent/landlord is now the subject matter of the aforesaid suit. During the interregnum, the 4th respondent appears to have given 'No Objection' to the respondents 1 to 3 to facilitate the successive bidder, namely the 3rd respondent to run a Bar, which, according to the petitioner, was renovated after spending huge amount. The learned counsel for the petitioner submits that the petitioner has 'No Objection', if the Bar is operated in any other premises other than the rented premises as the tenancy has not come to end and is valid up to 30.08.2022.

4.Opposing the prayer, the learned counsel for the respondents 1 and 2 submits that the previous writ petition filed by the petitioner in W.P.(MD) No.5832 of 2022 was dismissed by an order dated 31.03.2022. It is submitted that for a similar relief, the present writ petition has been filed and therefore, the present writ petition is liable to be dismissed on account of *res judicata*.

5.I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

6.The petitioner cannot stall the business of TASMAC especially when the Division Bench of this Court has now allowed the TASMAC to give licence to run the Bar. The petitioner is no longer lessee in 2021. If the petitioner is aggrieved by the auction of the landlord on account of the landlord giving 'No Objection' to the respondent TASMAC, it is open for the petitioner to workout his remedy against the landlord in the manner known to law. The petitioner cannot seek for quashing of the impugned order. However, it is made clear that the petitioner cannot be evicted from the premises except in accordance with law.

7.Under these circumstances, the writ petition stands disposed of. The learned District Munsif Judge, Aranthangi is directed to disposed of the interlocutory application filed by the petitioner, if any, on or before 30.06.2022. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

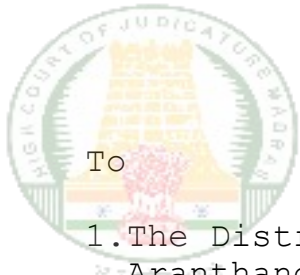
Assistant Registrar (CS II)

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Sub Assistant Registrar(CS)

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To

1.The District Munsif,
Aranthangi.

2.The Commissioner,
Prohibition & Excise/Managing Director TASMAC,
CMDA-Tower-II, Egmore,
Chennai-600 008.

3.The District Manager(Pudukottai)
Tamil Nadu State Marketing Corporation,
Pudukottai District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-22922[F] dated 29/04/2022)

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MGJ(27.05.2022) 3P 5C