



W.A.(MD)No.964 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.964 of 2022
and
C.M.P.(MD)Nos.7818 of 2022

A.Alageswaran

... Appellant

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
CMDA Complex, Egmore,
Chennai – 600 008.

2.The District Collector,
Office of the District Collector,
Madurai District.

3.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Anna Nagar,
Madurai – 625 020.

4.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai North District,
Manalur,
Sivagangai District.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order passed by this Court in W.P.(MD)No.13399 of 2022, dated 05.08.2022.

For Appellant : Mr.S.Malaikani

For Respondents 1, 3 & 4: Mr.H.Arumugam
Standing Counsel

For 2nd Respondent : Mr.T.Amjadkhan,
Government Advocate

* * *

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of learned Single Judge dated 05.08.2022 made in W.P.(MD) No.13399 of 2022.

2. Heard Mr.S.Malaikani, learned counsel for the appellant, Mr.H.Arumugam, learned Standing Counsel, who accepts notice on behalf of Respondents 1, 3 and 4 and Mr.T.Amjadkhan, learned Government Advocate, who accepts notice on behalf of the second respondent. By consent of both sides, this Writ Appeal is taken up for final disposal at the admission stage itself.

3. Brief facts that are necessary for disposal of the writ appeal are as follows:-



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The appellant took vacant land on lease from one A.Sampathkumar S/o. Alagirisamy. It is the case of the appellant that he and his brother-in-law, after getting rental agreement, spent more than Rs.15 Lakhs to put up a construction to house TASMAC retail vending shop with Bar attached to it. It is also their case that subsequently on 17.09.2021, a fresh rental agreement was entered into between the appellant and A.Sampathkumar for a period of two years. It is admitted that the landlord viz., Sampathkumar proposed to sell the property and therefore, it appears that he submitted a representation to the official respondents to shift the shop to some other place. It is in these circumstances, W.P.(MD) Nos.13399 of 2022 was filed for issuance of a Writ of Mandamus, to forbear the respondents from shifting the TASMAC retail shop number 5121 from the present place at Survey No.7/2 A-1, J.J.Nagar, Vandiyur Bit – I, Madurai District. Thereafter, the District Manager, passed an order on 04.07.2022, directing shifting of TASMAC shop to some other place. This order was also challenged in W.P.(MD) No.14811 of 2022. Learned Single Judge, after hearing the writ petitions passed a common order, dismissing both the writ petitions mainly on the ground that the petitioner has no locus standi to question the shifting of TASMAC shop based on the rental agreement he had



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with the previous owner. Aggrieved by the same, the writ petitioner in W.P.(MD) No.13399 of 2022 has filed W.A. (MD) No.964 of 2022.

4. The prayer of the appellant is to forbear the TASMAL from shifting TASMAL retail shop bearing No.5121 from the present place at Survey No.7/2 A-1, J.J.Nagar, Vandiyur Bit – I, Madurai. The establishment or transfer or shifting of a TASMAL shop is the prerogatives of TASMAL. Though it requires the District Collector to give permission for opening a new shop or for shifting the shop to a new place, a private individual like the appellant, who has taken the property for on lease running a bar, cannot have any say in the decision making process. Learned Single Judge has rightly dismissed the Writ Petition and this Court finds no reason to interfere with the order of learned Single Judge.

5. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

[S.S.S.R., J.] [S.S.Y., J.]
01.09.2022

Index : Yes / No

sj



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To

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- 1.The District Collector,
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and

S.SRIMATHY, J.

sj

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