



W.P(MD).No.21432 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.21432 of 2022

and

W.M.P(MD).Nos.15581, 15582 and 15583 of 2022

M.G.Rajesh

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation,
(TASMAC),
CMDA Tower,
Chennai.

2.The District Collector,
Trichy District,
Trichy.

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

4.The Regional Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC),
Old Collectorate Office,
Trichy.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating the impugned order passed by the second respondent vide his proceedings in Na.Ka.P&E3/23770/2022, dated 22.08.2022 and quash the same as illegal and consequentially to direct the respondents to allow the petitioner to reopen the TASMACH shop bearing Shop Nos.10405 and 10519 within the period stipulated by this Court

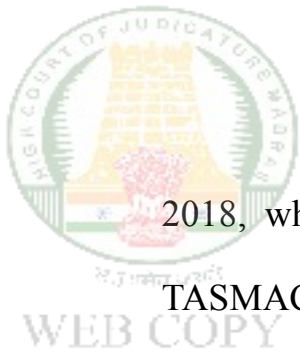
For Petitioner : Mr.R.Venkateshwar
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader
For R3 & R4 : Mr.H.Arumugam
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings, dated 22.08.2022, whereby, TASMACH Shop Nos.10203, 10405 and 10519 was directed to be temporarily closed.

2. The writ petition is filed by the owner of the premises in which the TASMACH shop Nos.10405 and 10519 are running.

3. It is submitted by the learned counsel for the Respondents that it is only for a licensee to challenge any proceedings with reference to the running of the TASMACH shop or its licence and the owner of the property has no locus to challenge the same. In this regard, reliance was sought to be placed on the judgment of the Division Bench of this Court in W.A(MD).No.1582 of



2018, wherein, while dealing with the question relating to the closure of TASMAC shop, it was held that owner of the building has no *locus standi* to challenge the same. The following portion of the said order, reads as under:

“9. Firstly, the appellant has no loco standi to question the order of the District Collector impugned in the writ petition. The appellant is only the owner of the building in which the shop bearing No.5513 is located. The appellant has only leased out portion of the building for the purpose of running TASMAC shop bearing No.5513. When the public has grievance or objections for running the shop in the present location, the District Collector has to consider the objections purely on merits, as there is scope of law and order problem and other issues on the account of nuisance and inconvenience caused not only to the public but also the women and school going children in the locality. Merely because, the District Collector has not directed the shifting of another shop in the nearby locality it cannot be presumed that there is no bonafide in the objections for shifting or closure of the shop bearing No.5513. The appellant being the owner of the premises has no right to question the closure of the TASMAC shop or shifting of TASMAC shop to any other locality, merely because he is likely to loose his income. As against the grievance of the public, personal interest of owner of the building cannot have any preference. There is no legal injury. It is well settled that individual interest shall in cases of necessity, yield to that of community.”

4. In view of the judgment of the Division Bench of this court that the owner of the building has been found to be lacking *locus* to challenge any proceedings to licence or closure of TASMAC Shop, this writ petition is liable to be dismissed. This Court intends to make it clear that the right of the licensee to challenge any proceedings relating to licence or closure of the



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TASMAC shop including the impugned proceedings has not been considered in this writ petition. The writ petition is dismissed. This Court has not expressed any view on the right of the licensee to challenge any proceedings, that may have an adverse impact on any of his rights, in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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