



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.22977 of 2021

and

W.M.P.[MD]Nos.19475 & 19477 of 2021

WEB COPY

S.M.T.Ravi

... Petitioners

Vs.

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

2.The Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Annanagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (Madurai South),
Kappaloor, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent vide his proceedings RC.No.06/10999/2018 dated 13.12.2021 and the consequential impugned order passed by the third respondent in the newspaper namely Tamil Sudar published on 14.12.2021 vide his proceedings Na.Ka.No.489/2019-2021/Aa dated 14.12.2021 and quash the same as illegal and consequential to direct the respondents to extend the period of license of the petitioner to run the TASMAR Bar attached with the Shop No.5169 situated in Solaialagupuram, Madurai District taking into consideration of the covid-19 pandemic situation within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.K.K.Udhayakumar
for Mr.H.Arumugam



O R D E R

In the captioned main Writ Petition Mr.H.Mohammed Imran, learned Counsel of M/s. Ajmal Associates [Law Firm] is before me in this web hearing on a video conferencing platform ie., virtual Court.

2.Proceedings made by first respondent being proceedings dated 13.12.2021 bearing Reference RC.No.06/10999/2018 and a tender notice inviting bids published by the third respondent in a local daily ie., floating of tender and inviting applications for tender qua shops adjoining TASMAL shops. To be noted proceedings of the first respondent dated 13.12.2021 fixes what is known as bar upset price qua TASMAL shops located in certain districts depending on whether it is located in municipality, town panchayat or village panchayat.

3.Mr.K.K.Udhayakumar, learned Counsel representing Mr.H.Arumugam, learned Standing Counsel for TASMAL who is before this virtual Court accepts notice on behalf of all three respondents.

4.Owing to the narrow compass on which the captioned matter turns, main writ petition is taken up with the consent of both sides and the same is disposed of.

5.There is no dispute or disagreement that writ petitioner participated in the auction held on Friday [31.12.2021]. It is also submitted by learned Counsel representing Standing Counsel for TASMAL that on the same day ie., 31.12.2021 [Friday] the tenders were opened and it is further submitted that the writ petitioner is not the highest bidder but I refrain myself from expressing any opinion on the same.

6.Suffice to say that the captioned writ petition has become infructuous for the following three reasons:

- a) The auction qua impugned proceedings and impugned notice have already been held on 31.12.2021.
- b) The writ petitioner has admittedly participated in the auction.
- c) The tenders have been opened and this Court is informed that TASMAL has also zeroed in qua highest bidder.

7.Regarding the first two points there is no dispute or disagreement. Recording the stated position of both sides, captioned main writ petition and captioned Writ Miscellaneous Petitions therein are disposed of as closed. Though obvious it is



made clear that I have not expressed any view or opinion on the merits of the matter and I reserve the same for a case where a legal tussle in this regard and a finding on the same becomes imperative to decide a case of this nature. There shall be no order as to costs.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Managing Director,
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2.The Regional Manager,
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Annanagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (Madurai South),
Kappaloor, Madurai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-133[F] dated 04/01/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-463[F] dated 05/01/2022)

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03.01.2022

KMV (CO)

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