



WEB COPY



W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2023

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

Vijesh

... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu State Marketing Corporation Limited,
CMDA Tower,
Egmore,
Chennai – 600 008.

2.The District Manager,
The Tamil Nadu State Marketing Corporation Limited,
Chennai Central,
Ambattur Industrial Estate,
Chennai – 600 058.

3.Thamilselvi

4.Amalraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, to direct the respondents 1 and 2
not to issue any bar license for the property situated at Door No.52/118,

1/6



W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

WEB COPY

TASMAC Shop No.378, Ground Floor, Padavattamman Koil Street, Kosapet, Perambur Barracks, Chennai – 600 012, admeasuring about 2400 sq.ft without obtaining consent letter from the petitioner.

For Petitioner : Mr.S.V.Vijay Prashanth
for Mr.Sanjay Kumar
For R1 & R2 : Mr.K.Sathish Kumar
Standing Counsel

ORDER

Mr.K.Sathish Kumar, learned Standing Counsel takes notice for the respondents 1 and 2. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed by the petitioner seeking to direct the respondents 1 and 2 not to issue any bar license for the property situated at Door No.52/118, TASMAC Shop No.378, Ground Floor, Padavattamman Koil Street, Kosapet, Perambur Barracks, Chennai – 600 012, admeasuring about 2400 sq.ft without obtaining consent letter from the petitioner.



W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

WEB COPY

3.Learned counsel for the petitioner submitted that the petitioner entered into a lease agreement with the 3rd respondent on 01.05.2022 for a period of three years in respect of the property situated at Door No.52/118, TASMAL Shop No.378, Ground Floor, Padavattamman Koil Street, Kosapet, Perambur Barracks, Chennai – 600 012, admeasuring about 2400 sq.ft.,. Based on the said agreement, the petitioner obtained a license for running a bar, which got expired on 01.10.2022 and as of now, the 2nd respondent had not renewed the license of the petitioner. Under such circumstances, it appears that the 3rd respondent entered into an agreement with the 4th respondent in respect of the same property without obtaining consent from the petitioner.

4.He further submitted that the rent amount as per the agreement executed by the 3rd respondent to the 4th respondent is only a sum of Rs.1000/- for the property situated in an extent of 2400 sq.ft. Whereas, the petitioner has been paying a sum of Rs.1,20,000/- towards rent, which itself shows that the agreement executed by the 3rd respondent to



W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

the 4th respondent is sham and nominal. Therefore, in this regard, the petitioner made a representation dated 25.09.2023 to the respondents 1 and 2, which has not been considered. Hence, the present writ petition has been filed.

5.Considering the submissions made by the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents 1 and 2 and in view of the fact that the petitioner entered into a lease agreement as early as on 01.05.2023 for a period of three years and the petitioner is in possession of the property, this Court feels that the 2nd respondent shall consider all these aspects and pass orders in accordance with law.

6.In view of the above, this writ petition is disposed of by directing 2nd respondent to consider the representation of the petitioner dated 25.09.2023 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.



WEB COPY



W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

17.10.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

rst

Note: Issue Order Copy on 18.10.2023.

To:

1. The Managing Director,
The Tamil Nadu State Marketing Corporation Limited,
CMDA Tower,
Egmore,
Chennai – 600 008.

2. The District Manager,
The Tamil Nadu State Marketing Corporation Limited,
Chennai Central,
Ambattur Industrial Estate,
Chennai – 600 058.

KRISHNAN RAMASAMY.J.,

rst



WEB COPY



W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

W.P.No.30072 of 2023
and W.M.P.No.29692 of 2023

17.10.2023