



WEB COPY



W.P.No.32346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2023

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.32346 of 2023
and
W.M.P.No.32009 of 2023

S.Amalraj

... Petitioner

Vs.

1.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Tiruvallur East.

2.M.Sugumaran

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to issue license in favour of the petitioner to run the bar attached to TASMAC wine shop No.9167, situated at No.85, Mettukuppam Road, Maduravoyil, Chennai based upon the petitioner's representation dated 31.10.2023.

For Petitioner : Mr.M.Manimaran



W.P.No.32346 of 2023

For Respondent : Mr.K.Balakrishnan,
Standing counsel for R1

ORDER

This writ petition has been filed to direct the 1st respondent to issue license in favour of the petitioner to run the bar attached to TASMAC wine shop based upon the petitioner's representation dated 31.10.2023.

2. Mr.K.Balakrishnan, learned Standing counsel, takes notice on behalf of the first respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner was declared as successful bidder to run the bar attached to the TASMAC wine shop No.9176 for a period from the year 2019 to the year 2022. Thereafter, he had entered into the rental agreement for a period of four years with the 2nd respondent/owner of the premises.

4. At this juncture, the petitioner had participated in the tender for



W.P.No.32346 of 2023

collection of empty bottles and sale of eatables in the shops attached to the aforesaid wine shop. In the said tender, if the petitioner is declared as successful bidder, he should obtain No Objection Certificate (NOC) from the 2nd respondent. However, the learned counsel for the petitioner would contend that the production of NOC will not be applicable if there is rental agreement between the bidder and the owner of the premises. Accordingly, in the present case, the petitioner is having a valid rental agreement for a period of 4 years, i.e., from 2022 to 2025 and hence, he made representation to the 1st respondent to consider the said rental agreement as NOC for issuing the license.

5. In reply, the learned counsel for the respondent would submit that the said representation dated 31.10.2023 of the petitioner will be considered and disposed of as early as possible.

6. Heard the learned counsel for the petitioner and the respondents and also perused the materials available on record.

7. This Court is of the considered view that if the bidder is newly



W.P.No.32346 of 2023

participating in the tender, the provision to obtain NOC from the owner of the premises would apply. However, in the present case, the participant/petitioner is already having a rental agreement with the existing owner/2nd respondent. Therefore, there shall not be any legal impediment to consider the said rental agreement as NOC for the purpose of issuing the license in favour of the petitioner.

8. In view of the above, the 1st respondent is directed to consider the petitioner's representation dated 31.10.2023 and pass appropriate orders in accordance with law.

9. With the above direction, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petition is also closed.

15.11.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa



W.P.No.32346 of 2023

To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Tiruvallur East.



WEB COPY



W.P.No.32346 of 2023

KRISHNAN RAMASAMY.J.,

nsa

W.P.No.32346 of 2023
and W.M.P.No.32009 of 2023

15.11.2023