



WEB COPY

W.P.Nos.32887 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.32887 of 2023
W.M.P.No.32525 of 2023

P.Vijaya Kumari

... Petitioner

Vs.

- 1.The Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai.
- 2.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
4th Floor, Gandhi Irwin Bridge, Egmore, Chennai.
- 3.The Senior Regional Manager,
TASMAC Limited,
735, IV Floor, L.L.A. Building,
Anna Salai, Chennai – 600 002.
- 4.The District Manager,
TASMAC Limited (Chennai – South),
Plot No.B4, Industrial Estate,
Ambattur, Chennai – 600 053.

... Respondents



W.P.Nos.32887 of 2023

Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned proceedings dated 20.06.2023 of the 2nd respondent in Rc.No.R3/2833/2023 dated 20.06.2023 to quash the same and further direct the 2nd respondent to open the TASMAL Retail shop No.435 that were being operated in the petitioners premises.

For Petitioner : Ms.Sangeetha Rajkumar
For Respondents : Mr.S.Ravikumar
Special Government Pleader [for R1]
: Mr.J.Ravindran
Additional Advocate General
assisted by Mr.K.Balakrishnan

Standing Counsel [for R2 to R4]

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent in Rc.No.R3/2833/2023 dated 20.06.2023 and further direct the 2nd respondent to open the TASMAL retail shop No.435 that was being operated in the petitioner's premises.

2. The grievances of the petitioner is that the respondent have taken a decision to close down 500 TASMAL shops including the shop bearing No.435 situated in the petitioner's premises, on the ground that the shops were being operated contrary to the guidelines framed by the respondent.



W.P.Nos.32887 of 2023

WEB COPY

3. The issue involved in the present writ petition has already been dealt with in similar writ petitions in W.P.Nos.26179, 23234, 27777 of 2023, wherein this Court has passed the following order today (30.11.2023):

“7. This Court is of the considered view that in the present case, the relationship between the parties is only the owner and the landlord-tenant relationship whereby the tenant is entitled to take decision to close their business. In the event, if any owner is aggrieved from such decision of the tenant and if it is contrary to the agreed terms, then the remedy available for the owners/petitioners is not by virtue of filing the writ petition, but to approach the appropriate forum in accordance with law.

7.1 That apart, the petitioners being the owners of the property, they are not the right persons to challenge the policy decision made by the Government to close down the TASMAC retail shops which is in public interest. The writ petitions filed by the petitioners appear to be in the nature of Public Interest Litigation but the motive is to achieve their personal interest.



WEB COPY

W.P.Nos.32887 of 2022



7.2 *At any cost, this Court is not inclined to interfere with the policy decision of the Government to close down 500 TASMAC retail shops. Further, it is up to the respondent to take the decision to close down the TASMAC retail shops. Even if there is any lapses in respect of the guidelines, this would not invalidate the ultimate decision of the respondent to close down the shops and it is up to the respondent to take proper action for not taking into consideration for violating the guidelines by the Officers concerned to close down the TASMAC retail shops. Further, the guidelines are not mandatory in nature, but it is guiding in nature.*

7.3 *Such being the case, this Court is not inclined to interfere with the impugned order passed by the respondents and to issue any directions. Accordingly, this Court is dismissing all the writ petitions. The petitioners are liberty to make representation to the respondents ventilating their grievances. In which case, it is up to the respondent to take a decision to deal with such representations in accordance with law.*



W.P.Nos.32887 of 2023

4. By following the above, this Court is of the view that the abovesaid order will hold good in the present writ petition also.

WEB COPY

Accordingly, this writ petition also stands dismissed with liberty to the petitioner to make representation as passed in the above order. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2023

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Internet: Yes

Index : Yes / No

Speaking order/Non-Speaking order

Neutral Citation : Yes / No

To

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WEB COPY



W.P.Nos.32887 of 2023

KRISHNAN RAMASAMY, J.

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W.P.No.32887 of 2023

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