



W.P.(MD) No.8881 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8881 of 2023

M.Sathya

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The District Manager,
Tamilnadu State Marketing
Corporation Ltd. (TASMAC),
Pudukkottai District.

3.The Assistant Commissioner,
Prohibition and Excise Department,
Pudukkottai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent herein to implement the order passed by the District Collector/first respondent in his proceedings in Na.Ka.No.



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J2/E-554121/2023, dated 02.02.2023 and by considering the petitioner's representation dated 31.03.2023 within the time stipulated by this Court.

For Petitioner : Mr.K.Rajesh

For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

Through the proceedings under Article 226 of the Constitution of India, the petitioner herein seeks to enforce the contract.

2. The facts in brief are as follows:

The petitioner would submit that he is the owner of a property comprised in S.No.8619/9, Annavasal Salai, Thirugokkaranam Village, Pudukkottai District. He had offered this property to the first respondent for locating a TASMACHOP. The second respondent viz., the District Manager, TASMACHOP forwarded a proposal to the first respondent seeking approval to locate the TASMACHOP shop in the said land vide his proceedings dated 11.01.2023. The first respondent had also approved



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the proposal to locate the shop in the above said premises vide his proceedings dated 02.02.2023.

3. The petitioner's case is that he had effected some changes to house a TASMACH shop. It appears that one Chandra, who is a resident of the area had filed W.P.(MD) No.5162 of 2023 seeking a mandamus not to permit the respondents to open a TASMACH shop in the area. The writ petition was disposed of on a representation by the Standing Counsel for the respondents that there was no proposal to put up a TASMACH shop in the area. The petitioner would submit that this representation was contrary to the assurance given by the respondents to the petitioner to open a TASMACH shop in his premises. Therefore, he has come forward with the above writ petition.

4. As submitted, the issue if at all is only a breach of the agreement, it cannot be enforced by filing a writ petition particularly when there is no infringement of fundamental right of the petitioner. At best, the petitioner is only entitled to damages, if any. Therefore, I see no



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reason to keep the writ petition pending. Consequently, this Writ Petition is dismissed without costs.

14.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



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To

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P.T.ASHA, J.

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