



W.P(MD)No.25821 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25821 of 2023

and

W.M.P(MD)Nos.22151 & 22153 of 2023

T.Sugumar

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Exercise Department,
State Secretariat, Fort St.George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited,
CMDA Tower – II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai – 600 008.

3.The District Collector,
Office of the District Collector,
Virudhunagar District.

4.The District Manager,
TASMAC Limited,
29-34, SIDCO Industrial Estate,
Soolakarai, Virudhunagar.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to proceedings in Reference No.A3/0371/2023 issued by the fourth respondent and struck down the condition No.3 in the said proceedings in title 'Selection of Bar Eatable Contractors for the sale of eatables and to collect empty bottles in the bars attached to the retail vending shops of TASMAL Ltd, Virudhunagar District for 2 years from 01.11.2023 to 31.10.2025' and consequently to permit the petitioner to participate in the above said Tender proceedings without insisting the petitioner to produce 'No Objection Certificate' by considering petitioner's representation dated 16.10.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 & R.3

Mr.H.Arumugam for R.2 & R.4

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 3.



W.P(MD)No.25821 of 2023

WEB COPY

2. The TASMAL had issued the impugned tender notification calling for applications from individuals for selection of Bar Eatable Contractors for the sale of eatables and to collect empty bottles in the bars attached to the retail vending shops of TASMAL Ltd Virudhunagar District for 2 years from 01.11.2023 to 31.10.2025.

3. The petitioner questions the third condition. It reads as follows:

“3. The Successful bidder (H1) is bound to submit the No Objection Certificate (NOC) and rental agreement from the building owner to run Bar premise covering the license period within 7 days from the date of issuance of offer letter. Failure to comply will lead to revoking of offer besides forfeiting Earnest Money Deposit (EMD) amount paid by the H1 Bidder.”

I do not find anything unreasonable or unfair in this condition. As a result of this condition, the house owner / land owner will be able to get better rent. No case for interference has been made out.



W.P(MD)No.25821 of 2023

4. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.10.2023

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

To

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G.R.SWAMINATHAN, J.

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