



W.P.(MD)No.30454 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.30454 of 2023
and W.M.P.(MD)No.26217 of 2023

M.Subramanian

... Petitioner

versus

1. The District Collector,
Collectorate,
Pudukkottai.
2. The District Manager (TASMAC),
Pudukkottai,
Pudukkottai District.
3. The Assistant Manager (TASMAC),
Pudukkottai,
Pudukkottai District.
4. The Tashildar,
Taluk Office,
Alangudi Taluk,
Pudukkottai District.
5. C.K.Selvam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Mandamus, to direct the respondents 2 and 3 not to grant license of permission to anybody for running snacks shop in the shop situate in S.F.No.398/7 of Vadakadu Village, Alangudi Taluk, Pudukkottai District and not to dispossess the petitioner from the shop situate in the aforesaid S.F.No.398/7 by considering the petitioner's representation dated 15.12.2023 sent to the respondents 1 to 4.

For Petitioner : Mr.R.Paranjothi
For R1 and R4 : Mr.M.Sarangan,
Additional Government Pleader
For R2 and R3 : Mr.H.Arumugam

ORDER

The petitioner has filed this writ petition with a strength of consent letter, which has been given by the landlord/5th respondent herein, for running a TASMAL Bar in Survey No.398/7 of Vadakadu Village, Alangudi Taluk, Pudukkottai District.

2. The learned counsel appearing for the petitioner submits that the petitioner had entered into a rental agreement with the 5th



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respondent for the building situated in Survey No.398/7 with electricity connection. The period of rental agreement is from 01.02.2022 to 31.01.2025. Pursuant to the rental agreement, he is in possession of the property. He further submits that the petitioner is running a snacks shop in the aforesaid building from the year 2022 till this date and has submitted an application to the second respondent for licence to run the snacks shop and to sell the empty bottles of liquor collecting from the TASMAL shop and deposited a sum of Rs.25,000/- as EMD. The petitioner apprehends that the respondents 2 and 3 are intending to give the licence in favour of a third person without considering his application. Therefore, the petitioner has filed this writ petition seeking a relief of Mandamus, directing the respondents 2 and 3 not to grant any licence or permission to anybody for running snacks shop in the TASMAL shop situate in S.F.No.398/7 of Vadakadu Village, Alangudi Taluk, Pudukkottai District and not to dispossess him from his shop at Survey No.398/7 by considering his representation dated 15.12.2023.



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3. Mr.H.Arumugam, learned counsel, who takes notice for respondents 2 and 3, submits that the petitioner along with others had obtained a consent letter from the landlord for running a Bar in the TASMACH shop in Survey No.398/7. The TASMACH is allotting the Bars by conducting tender. The petitioner along with other had participated in the tender, however, he was unsuccessful. One Kanagaraj was the highest bidder and therefore, the licence to run the Bar was given to the said Kanagaraj vide proceedings in Na.Ka.No.A3/1212/2023 dated 18.12.2023. The petitioner, who participated in the tender and lost in the bid, has filed this writ petition to harass the successful bidder.

4. The learned counsel appearing for the respondents 2 and 3 further submits that there was a condition for participating in the tender for running the TASMACH Bar with a consent letter of the landlord, however, the said condition was removed. The present licensee Kanagaraj is having a similar consent letter from the landlord/the



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5th respondent herein. The petitioner had participated in the tender, however, not successful.

5. This Court considered the rival submissions and also perused the materials on record.

6. The petitioner claims that he had entered into a rental agreement with the 5th respondent for the building in S.F.No.398/7, where, he is running a snacks hop. He further claims that he is having a consent letter given by the landlord/5th respondent herein for running TASMAL Bar in the said building and therefore, the licence should not be granted to any other person to run the TASMAL Bar in the said building. The respondents/TASMAL claims that the petitioner had also participated in the tender floated by them for running the TASMAL Bar and he lost in the bid. Therefore, the licence was granted to one Kanagaraj. Further, the said Kanagaraj is also having a similar consent letter from the landlord.



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7. The petitioner participated in the tender and lost the bid. The grievance of the petitioner is that he is having a consent letter, whereas the respondent claims that the successful bidder is also having the consent letter. Since the petitioner is an unsuccessful bidder, this Court is not inclined to entertain this writ petition. If the petitioner is having any grievance with regard to the consent letter or tenancy, he can work out his remedy with the 5th respondent/landlord. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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2. The District Manager (TASMAC),
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3. The Assistant Manager (TASMAC),

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B.PUGALENDHI, J.

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