



WEB COPY



W.P.No.36252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition No.36252 of 2023
and W.M.P.No.36248 of 2023

S.Mani

... Petitioner

-VS-

1.District Manager
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Kanchipuram North,
Thirumazhisai Unit-3,
Chembarambakkam, Chennai-600 123.

2.Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
No.LLA Building, 4th floor,
Anna salai, Chennai-600 002.

3.Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Represented by its Managing Director,
Thalamuthu Nadarajan Building,
Gandhi Irwin Road,
Egmore, Chennai-600 008.



W.P.No.36252 of 2023

4.The District Collector,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus forbearing the respondents, their men, people, their subordinates or any other persons claiming through them from in any manner shifting the TASMAC shop No.4082 and Bar running at Plot No.4/402, Moovarasampettai Main Road, Uzhaipaali Nagar, Chennai-600 091.

For Petitioner : Mr.P.Singaram

For R1 to R3 : Mr.K.Balakrishnan, Standing Counsel(TASMAC)

For R4 : Mr.D.Ravichander, Special G.P.

ORDER

The petitioner seeks a mandamus to restrain the respondents from shifting TASMAC shop No.4082 and the bar at Plot No.4/402, Moovarasampettai Main Road, Uzhaipaali Nagar, Chennai-600 091.

2. The petitioner asserts that he is the owner of the above mentioned premises and that he had entered into a rental agreement with the bar owner,



W.P.No.36252 of 2023

Mr.Balamurugan, on 01.11.2023 for a period of two years. He further submits that the bar owner has invested a considerable sum of money towards the interior decoration of the bar and that if such bar is shifted, he will be put to financial loss.

3. Mr.K.Balakrishnan, learned standing counsel (TASMAC), accepts notice on behalf of the respondents 1 to 3. Mr.D.Ravichander, learned Special Government Pleader, accepts notice for the 4th respondent. Learned counsel for the 4th respondent submits that the present writ petition is not maintainable for several reasons. He submits that the alleged lease deed is for a period of two years and, therefore, on account of non-registration, the same is not valid both under the Transfer of Property Act, 1882 and the Registration Act, 1908. The second ground is that the petitioner is merely the owner of the property and not the licensee in respect of the bar. The third objection is that the dispute is contractual and, therefore, this Court should decline to exercise its discretionary jurisdiction.



W.P.No.36252 of 2023

4. From the averments in the affidavit of the petitioner, it is clear with the petitioner is asserting ownership over the immovable property. As the owner of the immovable property which has been leased to Mr.Balamurugan, the petitioner has no legal right to question the alleged decision of respondents 1 to 3 to shift the shop from the said premises. In other words, the rights of the petitioner flow from the lease agreement between the petitioner and Mr.Balamurugan. Consequently, any dispute relating thereto should be resolved in a civil court and not before this forum.

5. In addition, as contended by learned counsel for the 4th respondent, any lease for a period of two years is required to be registered both under the Transfer of Property Act and the Registration Act. If insufficiently stamped, as is the case here, such document is also not admissible in evidence before any authority. The petitioner has also not placed on record any evidence that the respondents intend to shift the shop and bar.

6. For reasons set out above, the petitioner has failed to make out a case for issuance of mandamus. Therefore, W.P.No.36252 of 2023 is



W.P.No.36252 of 2023

dismissed without any order as to costs. Consequently, connected

Miscellaneous Petition is closed.

05.01.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

kj

To

1.District Manager
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Kanchipuram North,
Thirumazhisai Unit-3,
Chembarambakkam, Chennai-600 123.

2.Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
No.LLA Building, 4th floor,
Anna salai, Chennai-600 002.



WEB COPY



W.P.No.36252 of 2023

SENTHILKUMAR RAMAMOORTHY,J

kj

3.Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Represented by its Managing Director,
Thalamuthu Nadarajan Building,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

4.The District Collector,
Kancheepuram District.

Writ Petition No.36252 of 2023
and W.M.P.No.36248 of 2023

05.01.2024