



WEB COPY



W.P.No.35733 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.35733 of 2023

&

WMP No.35715 of 2023

Thirunavukarasu
S/o.Nadarajan

... Petitioner

vs

1. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai South,
Chennai.

2. Senthil Kumar

3. Prakash raj

4. D.Ezhumalai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing 1st respondent not to issue licence to run the bar attached to TASMACH Shop No.968 situated at No.40/208, Kaliamman Koil Street, Sri Ayyappa nagar, Virugambakkam, Chennai-600 092, only upon No-objection of the petitioner.



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For Petitioner : Mr.M.Manimaran

For Respondents : Mr.K.Sathish Kumar
Standing Counsel (TASMAC) for R1

ORDER

The petitioner seeks a direction to the first respondent to issue a licence to run the bar attached to TASMAC Shop No.968 only upon issuance of no objection by the petitioner.

2. The petitioner asserts that he is the lessee of the premises described in the prayer of the writ petition. He submits that the rental agreement was renewed for a period of three years running from 01.01.2023 to 31.12.2025. Pursuant to a tender notification, the petitioner was declared as the H-3 bidder and the 3rd and 4th respondents herein were declared as the H-1 and H-2 bidders, respectively.

3. By relying on the rental agreement, the petitioner asserts that he is in possession of the relevant premises and that, therefore, a licence cannot be issued either to the 3rd or 4th respondent.



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4. Learned counsel for the petitioner submits that the petitioner has issued a representation to the first respondent on 15.12.2023 and that such representation be considered and disposed of.

5. Learned standing counsel for TASMAC submits that TASMAC is unable to issue the licence for running the shop attached bar on account of the order of *status quo* issued on 21.12.2023. He further submits that the petitioner has no right to claim a licence to run the bar.

6. The petitioner participated in the auction conducted by the TASMAC and was admittedly the H-3 bidder. As per the terms and conditions of such auction, the licence is required to be issued to the H-1 bidder subject to such bidder fulfilling the terms and conditions prescribed in such regard. In the event that the H-1 bidder is unable to fulfil the terms and conditions, the licence is required to be issued to the H-2 bidder provided the H-2 bidder matches the rate quoted by the H-1 bidder. As regards the H-3 bidder, the terms and conditions do not permit the issuance of a licence to him. In these



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circumstances, a mandamus cannot be issued as prayed for by the petitioner.

7. Therefore, W.P.No.35733 of 2023 is dismissed without any order as to costs by leaving it open to the petitioner to participate in the re-auctioning of TASMACH Shop No.968, if such re-auction takes place. Consequently, connected miscellaneous petition is closed. No costs.

04.03.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

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To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai South,

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SENTHILKUMAR RAMAMOORTHY J.



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