



W.P.Nos.36532 to 36540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.36532 to 36540 of 2023
and W.M.P.Nos.36513 to 36521 of 2023

P.Kalayana Sundaram

... Petitioner in all WP's

-VS-

1.The Managing Director
Tamil Nadu State Marketing Corporation
(TASMAC) Limited, Gandhi Irwin Road, CMDA
Tower, Egmore, Chennai- 600 008.

2.The District Manager (South)
Tamil Nadu State Marketing Corporation
(TASMAC) Limited, Coimbatore (South), Sakthi Mill
Bus Stop, Pollachi, Coimbatore District.

... 1st and 2nd Respondents in all WP's

3.Rathakrishnan ... 3rd Respondent in W.P.No36532 of 2023

3.Velingri ... 3rd Respondent in W.P.No36533 of 2023

3.Paramasivam ... 3rd Respondent in W.P.No36534 of 2023

3.Karthikeyan ... 3rd Respondent in W.P.No36535 of 2023

3.Mohan Raj ... 3rd Respondent in W.P.No36536 of 2023



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3.Rathina Sabapathi	... 3rd Respondent in W.P.No36537 of 2023
3.Suresh	... 3rd Respondent in W.P.No36538 of 2023
3.Manimegalai	... 3rd Respondent in W.P.No36539 of 2023
3.Srinivasan Manohar	... 3rd Respondent in W.P.No36540 of 2023

PRAYER in W.P.No.36532 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1868 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36533 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles



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from the bar attached to TASMACH Shop No.2296 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36534 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1891 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36535 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1850 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36536 of 2023: Writ Petition filed under Article



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226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1889 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36537 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.2278 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36538 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner



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for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1880 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36539 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1879 on the ground of non production of no objection Certificate from the 3rd respondent.

PRAYER in W.P.No.36540 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd respondent not to cancel the license dated 16.12.2023 in Na.Ka. No. 1881/ 2023 / RV3 issued to the Petitioner for Selling food articles and for collecting and selling empty bottles from the bar attached to TASMACH Shop No.1841 on the ground of non production of no objection Certificate from the 3rd respondent.



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For Petitioner : Mr.V.Stalin
in all WP's

For Respondents 1, 2 : Mr.K.Sathish Kumar, SC (TASMAC)
in all WP's

COMMON ORDER

A common petitioner has filed these writ petitions seeking a direction to the second respondent not to cancel the license for sale of food and empty bottles in respect of the respective premises.

2. The petitioner participated in the E Tender floated by the first and second respondents and was the highest bidder (H1) in respect of the respective tenders. One of the terms of the tender was that the petitioner should obtain a No Objection Certificate (NOC) from the respective landlord, who is arrayed as the third respondent in each of these petitions. The petitioner alleges that the third respondent



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refused to grant the NOC to the petitioner and instead agreed to grant the NOC to the respective H2 bidder. The present writ petitions were filed in the said facts and circumstances.

3. Mr.K.Sathish Kumar, learned standing counsel, accepts notice on behalf of the first and second respondents. He submits that the allegation of the petitioner is entirely unfounded and that many H1 bidders were granted licences pursuant to submission of NOC. By referring to the communication dated 16.12.2023, he points out that the cancellation of the licence happens *ipso facto* if the NOC is not produced within the stipulated time limit. Consequently, he submits that no case is made out for the grant of the relief claimed by the petitioner.

4. The admitted position is that the terms and conditions of tender stipulate that a NOC should be obtained from the landlord concerned. Since the petitioner has admittedly failed to obtain such



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NOC, the relief claimed cannot be granted. In this connection, it should be noticed that the allegation that the first and second respondents prevailed on the respective landlord and ensured that the NOC was not granted is strongly refuted by the first and second respondents. In the absence of evidence in support of such allegation, these writ petitions cannot be sustained.

5. Consequently, these writ petitions are dismissed without any order as to costs by leaving it open to the petitioner to submit a representation with regard to refund of EMD. It is, however, made clear that such request for refund may be dealt with on merits. Consequently, W.M.P.Nos.36513 to 36521 of 2023 are closed.

05.01.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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