



W.P.(MD)No.164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.164 of 2024
and W.M.P.(MD)Nos.182 and 184 of 2024

S.M.Neelakandan

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Marketing
Corporation (TASMAC),
Egmore, Chennai.
2. The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Trichy Zone, Trichy.
3. The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Thanjavur District.
4. N.Nargeesh Banu
5. Sathishkumar

... Respondents

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



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seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.518/A3/2023 dated 21.12.2023 and quash the same as illegal and further direct the respondents 1 to 3 to reinstitute the tender in respect of shop No.7874, which is situated at old No. 233/5B2A and New S.No.233/66A, Mavudukurichi East Revenue Village, Peravurani Taluk, Thanjavur District.

For Petitioner : Mr.M.Muniasamy
For R1 to R3 : Mr.H.Arumugam,
Standing Counsel
For R5 : Mr.Mohammed Imran

ORDER

The licence granted to the 5th respondent for running a TASMALC Bar by the third respondent in Na.Ka.No.518/A3/2023, dated 21.12.2023 is under challenge in this writ petition.

2. The learned counsel appearing for the petitioner submits that a TASMALC Bar is intended to be established at old Survey No. 233/5B2A (new Survey No.233/66A), which belongs to the 4th respondent. The petitioner has put up a superstructure in the said survey number, based on the agreement between the petitioner and the



4th respondent. Therefore, the petitioner is also having right over the property. However, the 5th respondent was granted licence to run a TASMAL Bar, based on the No Objection Certificate issued by the 4th respondent. He further submits that there is a Civil Suit in O.S.No.73 of 2023 pending between the petitioner and the 4th respondent, before the learned District Munsif cum Judicial Magistrate, Peravurani.

3. The learned Standing Counsel appearing for the respondents 1 to 3 submits that the petitioner is not having any right to question the licence granted to the 5th respondent. The petitioner neither is the owner of the property in the above said survey numbers nor participated in the auction. If the petitioner is having any agreement with the 4th respondent, then, he has to work out his remedy only with the 4th respondent. He also points out that the petitioner has not made any averment that the petitioner has put up the superstructure in the said survey number.



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4. This Court considered the rival submissions made.

5. It appears that the petitioner is having a title dispute with the 4th respondent. Admittedly, the land belongs to the 4th respondent. However, the petitioner claims that the superstructure in the said land has been put up by him and he has also filed a Civil Suit as against the 4th respondent in O.S.No.73 of 2023. Therefore, the petitioner can work out his remedy in O.S.No.73 of 2023 pending on the file of the learned District Munsif cum Judicial Magistrate, Peravurani.

6. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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