



W.P.(MD)No.1677 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.1677 of 2024
and W.M.P.(MD)Nos.1709 and 1710 of 2024

T.Kannadasan

... Petitioner

versus

1. The District Collector,
Madurai,
Madurai District.

2. The District Manager,
Tamilnadu State Marketing Corporation (TASMAC)
Madurai North,
Madurai.

3. A.Bharathiraja

4. S.Sathish

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.979/2023/A3 and quash the same and consequently, direct the 2nd respondent not to permit the 3rd respondent



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to run the Bar situated at Survey Nos.206/1C and 206/1B1 Thaniamangalam Village, Melur Taluk, Madurai District, before termination or conclusion of rental period between the petitioner and 4th respondent.

For Petitioner : Mr.S.Sundarapandian
For R1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R2 : Mr.H.Arumugam,
Standing Counsel

ORDER

This writ petition has been filed challenging the order of the second respondent dated 17.12.2023, granting licence in favour of the 3rd respondent to run the TASMAL Bar.

2. The learned counsel appearing for the petitioner submits that the petitioner has participated in the tender floated by the 2nd respondent/TASMAL for running a Bar. He further submits that the petitioner is having an agreement with the land owner, in which, the TASMAL Bar situates. However, without considering his agreement, the 2nd respondent/TASMAL has identified the 3rd respondent as the



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highest bidder and issued the licence to the 3rd respondent by order dated 17.12.2023. Challenging the same, the petitioner has filed this writ petition.

3. Mr.H.Arumugam, learned Standing Counsel, who takes notice for the second respondent/TASMAC, submits that the persons, who are intending to run the Bar, have to obtain a “No Objection Certificate” from the landlord. In this case, all the participants were issued with “No Objection Certificate” by the 4th respondent/landlord. The petitioner is also having a rental agreement with the 4th respondent. Similarly, the 4th respondent has also entered into an agreement with the 3rd respondent. In the tender floated by the 2nd respondent, the 3rd respondent was declared as the Highest Bidder and the licence was issued to him to run the bar. Aggrieved over that, the petitioner has filed this writ petition.

4. This Court considered the rival submissions made.



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WEB COPY 5. It appears that the petitioner and the 3rd respondent have participated in the tender floated by the second respondent, where, the 3rd respondent has been ranked as the 1st highest bidder and the petitioner has been ranked as the 3rd highest bidder. When the petitioner has also participated in the tender and has been ranked as the 3rd highest bidder, he is not entitled to question the licence issued to the 3rd respondent. Further, the 3rd respondent is also having a rental agreement with the 4th respondent. Therefore, this Court is not inclined to interfere with the impugned order passed by the second respondent.

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

30.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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