



W.P.(MD).No.23630 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.23630 of 2024

and

W.M.P.(MD).No.20011 of 2024

Mariappan

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Gandhi Ervin Bridge Road,
Egmore,
Chennai – 08.
- 2.The Regional Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Madurai Region, Plot No.100,
Anna Nagar,
Sathamangalam,
Madurai – 20.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Office at Dindigul to Trichy National Highways,
Mullipadi Post,
Dindigul District - 624 005.



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5.Jeyapal

6.Vellaisamy

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1 to 4 respondents from relocating or shifting the TASMACH Shop No.3392 from the Shop No.7/128, Koombur Village, Koombur to Dindigul Road, Gujiliyamparai Taluk, Dindigul District till the expiry of license period of the petitioner i.e., 31.12.2025.

For Petitioner	: Mr.K.Navaneetharaja
For R-1, R-2 & R-4	: Mr.H.Arumugam Standing Counsel
For R-3	: Mr.R.Sureshkumar Additional Government Pleader

ORDER

The present Writ Petition is filed for Mandamus forbearing the respondents 1 to 4 from relocating/shifting the TASMACH Shop No.3392 till the expiry of license period of the petitioner, i.e., 31.12.2025.

2. It is submitted by the learned counsel for the petitioner that the fourth respondent issued a notification dated 12.01.2024, inviting bids for running a bar attached with TASMACH Shop No.3392. Pursuant to the said notification, the petitioner participated in the tender process, which took place on



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07.02.2024 and he was the successful bidder. A letter of acceptance dated 08.02.2024 was issued by the fourth respondent and the petitioner was issued with a license to run a bar attached to the TASMAL Shop No.3392 for the period from 13.02.2024 to 31.12.2025. The petitioner has obtained all the necessary approval/sanction including FSSAI certificate. It is submitted that the fourth respondent is now proposing to shift the TASMAL shop to a location, which is less than 500 meters away from the present shop. It is submitted that the above proposal is clearly unjustified and lacks bonafide.

3. It is submitted by the learned Standing Counsel for the respondents 1, 2 and 4 that the present Writ Petition is premature as the respondents/authorities, due to administrative reasons, are considering the need to shift/relocate the shop. The same is under consideration and no contrary decision has yet been taken.

4. It is submitted by the learned counsel for the petitioner that in terms of Clause (2) of the license, even if the TASMAL shop has to be relocated, the petitioner would have certain rights in terms thereof, that would have to be complied with by the appropriate authority.



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5. I do not propose to express anything on the merits of the above submission, which is on the basis of an apprehension lurking in the mind of the petitioner. If the above clause confers certain condition/benefit/right to the petitioner or an obligation is cast on the respondent/authority, it is certainly necessary that said conditions are complied with.

6. This Court finds merit in the submission of the learned Standing Counsel for the respondents that the present Writ Petition is premature inasmuch as no decision has been taken for relocation of the shop. Accordingly, the Writ Petition stands dismissed. Relocation of the shop, if any, shall be made in due compliance with the procedure/conditions relating thereto. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

03.10.2024

Index : Yes / No
Internet : Yes/ No
Lm

To
The District Collector,
Dindigul District,
Dindigul.



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MOHAMMED SHAFFIQ, J.

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