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WP No. 10334 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

W.P No. 10334 of 2024

L.Pappu @ Pappathi

Petitioner

..Vs..

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
CMDA Tower-II,
4th Floor, Egmore,
Chennai- 600 008.
2. The District Collector,
1st Floor, Main Building, District Collectorate,
Thiruchengode Road,
Namakkal, Namakkal District.
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC),
No.56, Brinthavan Road,
Fairlands, Salem-636106.
4. The District Manager/Sub Collector,
Tamil Nadu State Marketing Corporation Limited
(TASMAC),
No.83/6, Krishnapuram Road,



Thummankurichi Village,
Thiruchende Main Road,
Namakkal- 637 001.

5. Mr.V.K.Varatharaj

6.Mrs.Pappayi

7.Mrs.Pandi Meenal

Respondents

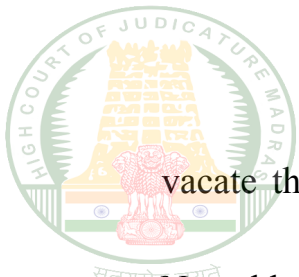
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to consider and dispose the petitioner representation dated 21.02.2024 and vacate the TASMAL Shop No.5952 and Bar in her joint property situated at Namakkal District, Paramathi Velur Taluk, Punjai Edaiyar Melmugam Village, S.No.13/1H1A, measuring an extent of 2.16.5 Hectare, as per present Patta No.1588, S.No.13/29A1 present S.No.13/29A1C (Common Well and Common Land) measuring an extent of 2422.75 Sq.ft out of 0.15.00 Hectare and cancel the license of Bar issued by 4th respondent.

For Petitioner: Mr.C.Saravana Bhavan

For Respondents: Mr.P.Balathandayutham
Special Government Pleader
(R2)
Mr.M.Sekar, (R1,R3 and R4)
Standing Counsel (TASMAL)

ORDER

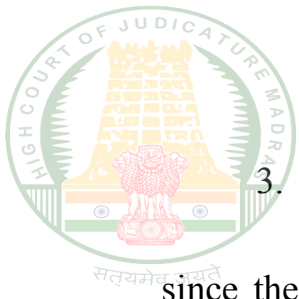
This Writ Petition has been filed seeking for a direction to the respondents to consider and dispose the petitioner representation dated 21.02.2024 and



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vacate the TASMAL Shop No.5952 and Bar in her joint property situated at Namakkal District, Paramathi Velur Taluk, Punjai Edaiyar Melmugam Village, S.No.13/1H1A, measuring an extent of 2.16.5 Hectare, as per present Patta No.1588, S.No.13/29A1 present S.No.13/29A1C (Common Well and Common Land) measuring an extent of 2422.75 Sq.ft out of 0.15.00 Hectare and cancel the license of Bar issued by 4th respondent.

2. The learned counsel for the petitioner would submit that the subject property is an undivided property and the eight persons are entitled to shares in the said property. The aforesaid property is in joint possession of all the share holders. Further, he would submit that the aforesaid property was leased out by the 5th respondent to the TASMAL Shop and he was receiving the rent. While so, the 5th respondent filed injunction suit against the petitioner and other share holders before the District Court Paramathi in O.S.No.58/2023 and the petitioner also filed suit for partition against the respondents 5 and 6 and other share holders before the District Court, Paramathi in O.S.No.123/2023 and both the suits are pending.

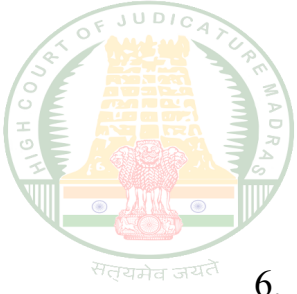


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3. The learned counsel appearing for the TASMAC would submit that since the property was leased out to the TASMAC Shop and they have been paying rent to the 5th respondent. In the event, if the petitioner and other share holders are entitled to rent, certainly they will claim partition. That apart, suits were already filed and pending before the District Court, Paramathi. When the partition suit is pending the petitioner ought not to have filed the writ petition. The petitioner can raise all the claims only before the Civil Court. Hence, he prays for dismissal of this writ petition.

4. Heard both sides. Perused the records.

5. I find force in the submissions made by the learned counsel for the TASMAC. As the partition suit was filed by the petitioner and the same is pending, the petitioner can very well raise all the issues before the District Court, Paramathi. The suit is not only for partition but also for the rent received from TASMAC, which aspect can be decided only by the District Court. Thus at this stage this Court is not inclined to entertain the present writ petition.



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6. In such view of the matter, this writ petition is dismissed. It is left open to the petitioner to raise all the issues before the District Court, Paramathi in O.S.No.123/2023. No costs.

03.07.2025

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To

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KRISHNAN RAMASAMY, J.

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