



WEB COPY



W.A.No.883 of 2022

W.A.No.883 of 2022
and
C.M.P.No.5926 of 2022

THE HONOURABLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J

(The Order of the Court was made by The Honourable Chief Justice)

Issue notice to the respondent returnable by 26.04.2022 through Registered Post.

2. Heard on the application seeking for interim stay of the order dated 31.01.2022 passed by the learned Single Judge, in W.P.No.27352 of 2021.

3. The learned Advocate General appearing for the appellants/TASMAC submitted that, going beyond the scope of the Writ Petition, certain directions have been given by the learned Single Judge, after making observations regarding the running of Bar attached to TASMAC shop.

4. The Writ Petition was filed challenging the Notification, dated 14.12.2021 issued by the TASMAC to extend permission/right to collect empty

Page No.1/4



W.A.No.883 of 2022

bottles and sell eatables in the Bar attached to the TASMAC shops. The writ petitioner was just not against the running of the Bar by the TASMAC and to extend the right in favour of the individuals to collect empty bottles and sell eatables.

5. The learned Single Judge has however issued direction to discontinue the Bar attached to the TASMAC shop in question, without hearing those who have been granted licence/permission to collect the empty bottles and sell eatables in the Bar attached to the TASMAC shop and they were not even parties to the litigation. Hence, prayer has been made to stay the operation of the impugned order passed by the learned Single Judge to the extent of the direction given by the learned Single Judge to discontinue the Bar attached to the TASMAC shop in question, as otherwise, it cannot be considered to be public place in common domain, rather, the licence place for the said purpose and was not even questioned by the writ petitioner.

6. In view of the aforesaid, there shall be an order of interim stay of the impugned order passed by the learned Single Judge in regard to the running of the Bar by the TASMAC shop in question, finding prima-facie case in favour of the appellants/TASMAC in reference to the arguments made by the learned



W.A.No.883 of 2022

Advocate General.

WEB COPY

7. However, the order of interim stay granted above, shall not restrain the appellants/TASMAC, if they want to bring amendment in the Act or Rules relevant thereto, if so required for the purpose of clarity or any other purpose.

8. List the appeal on 26.04.2022.

(M.N.B., C J) (D.B.C.,J)
05.04.2022

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Page No.3/4



WEB COPY



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W.A.No.883 of 2022
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05.04.2022

Page No.4/4