

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.28618 of 2015

and M.P.No.1 of 2015

P.Ramamoorthy

... Petitioner

-Vs-

1.The Senior Divisional Commercial Manager,  
Southern Railway,  
Salem Division.

2.The Assistant Commercial Manager,  
Southern Railway,  
Salem Division.

3.The Deputy Station Manager (Commercial),  
Southern Railway,  
Salem Junction.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records in No. SA/C79/catg/FF & FJS/SA/PGT/029 dated 02.07.2015 issued by the 1<sup>st</sup> respondent and to quash the same and forbearing the 1<sup>st</sup> & 2<sup>nd</sup> respondents terminating the license of the petitioner in respect of Fresh Fruits & Fruit Juice Stall Platform No. 3 & 4 at Salem Junction.

सत्यमेव जयते

For Petitioner : Prof.M.Udaya Bhanu

For Respondent : Mr.P.T.Ramkumar

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O R D E R

A perusal of the order impugned dated 02.07.2015 would show that the petitioner was imposed with a fine based upon certain allegation, without affording on opportunity of hearing. Considering the very same issue, this Court, in W.P.No.22050 of 2014 dated 18.08.2014, has passed the following order:

"...

4. Admittedly, no notice was issued before passing the impugned order. The impugned order, apart from imposing a fine upon the petitioner, has also cast a stigma. Therefore, it is needless to say that a notice and an opportunity of hearing should have preceded the impugned order. Moreover, there is no indication as to how the fine amount has been arrived at.

5. A series of cases has come to my notice in the past two weeks where the respondents have imposed different amounts ranging from Rs.2,000/- to Rs.10,000/-. The basis of such imposition is also not known.

6. Therefore, the Writ Petition is allowed, the impugned order is set aside and the matter is remitted back for giving an opportunity of hearing and disposal in accordance in law. No costs. Consequently, the above MP is closed."

2. In view of the same, the Writ Petition stands allowed. The impugned order dated 02.07.2015 is set aside and the matter is remitted back for giving an opportunity of hearing to the Petitioner and disposal in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar

va

To

1. The Senior Divisional Commercial Manager,  
Southern Railway,  
Salem Division.

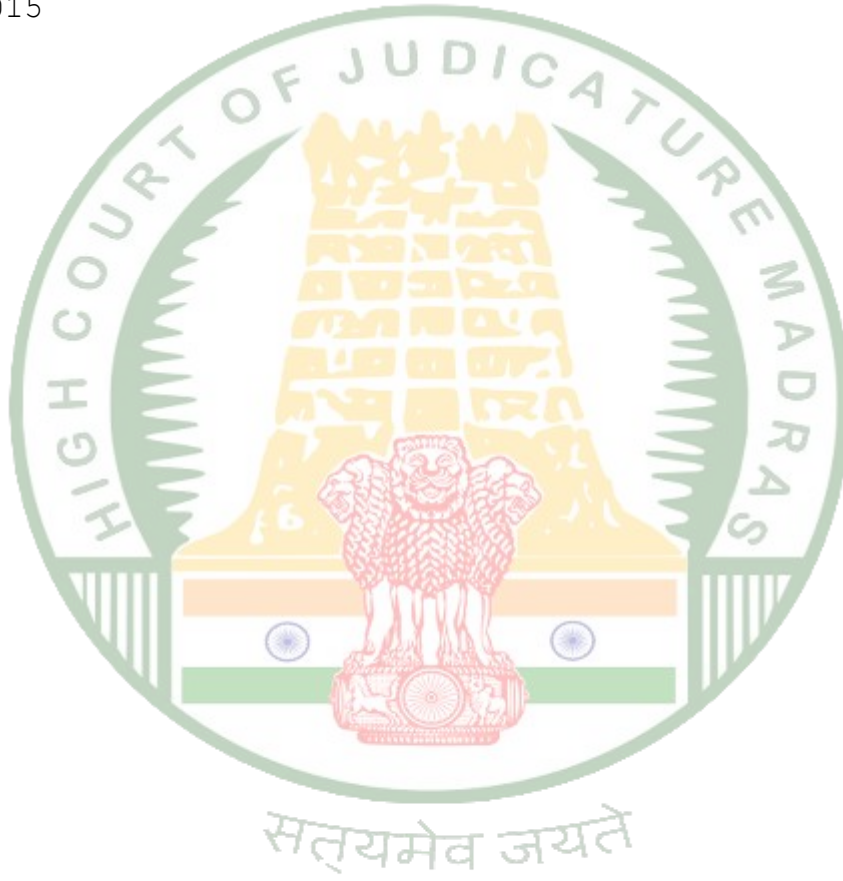
2. The Assistant Commercial Manager,  
Southern Railway,  
Salem Division.

3. The Deputy Station Manager (Commercial),  
Southern Railway,  
Salem Junction.

+1 cc to M/S.P.T.Ramkumar Advocate sr.50409  
+1 cc to M/S.M.udhayabhanu Advocate sr.49591

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