



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.16972 of 2016

and

W.M.P(MD)Nos.12296 to 12298 of 2016

G.Kannan

...Petitioner

Vs.

1.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC), Madurai.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC), Virudhunagar,
Virudhunagar District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.A-5/00030/15, dated 29.08.2016, quash the same and consequently direct the 2nd respondent to open the petitioner's bar attached with TASMAC Shop No.11850, Sivakasi Town, Virudhunagar District.

For Petitioner : Mr.T.Bashyam

For Respondents : Mr.R.Anandharaj,

Government Advocate for

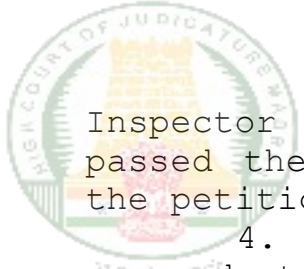
Mr.M.Muniyasamy

ORDER

The present Writ Petition has been filed by the petitioner challenging the order passed by the second respondent suspending the Bar licence of the petitioner.

2. According to the petitioner, he is a licensee to run a bar attached with TASMAC Shop No.11850, Sivakasi Town, Virudhunagar District. Based on the report submitted by the Inspector of Police, Prohibition and Enforcement Wing, Sattur, who said to have inspected the bar and found some spurious liquor bottles inside the bar, F.I.R was lodged against the petitioner and others and the investigation is pending. Based on the same, the second respondent passed the impugned order temporarily suspending the bar licence of the petitioner.

3. The learned counsel appearing for the petitioner submits <https://hds.ces.culture.gov.in/hws/ces> no inspection at the bar run by the petitioner as alleged by the respondents and the second respondent without conducting any enquiry, based on the report submitted by the



Inspector of Police, Prohibition and Enforcement Wing, Sattur, passed the impugned order temporarily suspending the licence of the petitioner.

4. Per contra, the learned counsel appearing for the respondents submits that the impugned order was passed based on the report submitted by the Inspector of Police, who inspected the bar and found spurious liquor bottles inside the bar and an F.I.R. was also registered and in which, the petitioner was also one of the accused.

5. This Court considered the rival submissions.

6. The impugned order is only an interim suspension. Now the second respondent should necessarily conduct an enquiry and give sufficient opportunity of hearing to the petitioner, before passing final orders.

7. In the above circumstances, the second respondent is directed to issue show-cause notice to the petitioner within a period of one week from the date of receipt of a copy of this order. Thereafter, the petitioner is to submit his objections if any within a period of one week. Soon after the receipt of such objections, the second respondent is directed to complete the enquiry within a period of two weeks thereafter, after affording sufficient opportunity of hearing to the petitioner. The petitioner is also directed to co-operate with the enquiry and if the petitioner fails to give his objections within the time stipulated, then it is open to the second respondent to proceed with the enquiry and pass orders on the same, on merits and in accordance with law.

With the above observation, this Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS)

To

1.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC), Madurai.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC), Virudhunagar, Virudhunagar District.

+1cc to Mr.Bashiyam, Advocate in SR.51843

W.P (MD) No.16972 of 2016
12.09.2016

pm