

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17548 of 2017

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the third respondent in imposing penalty of Rs.10,000/- vide order VJT.KRI.VALUEFILL, dated 15.05.2017 pursuant to the inspection on 19.04.2016 as illegal, arbitrary and without jurisdiction and in violation of Marketing Discipline Guidelines; and consequently *set aside* the order dated 15.05.2017.

2) The main grievance of the petitioner is that the impugned proceedings came to be passed directing the petitioner to pay penalty of Rs.10,000/- without giving any show-cause notice. He placed reliance on clause 8.5.6 of Marketing Discipline Guidelines in support of his plea.

3) Learned counsel appearing for the Corporation admits that the impugned order does not anywhere indicate issuance of show-cause notice, but however pleads that liberty may be given to them to take action in accordance with law.

4) A perusal of the impugned order does not anywhere indicate issuance of show-cause notice to the petitioner before passing the impugned order, wherein the petitioner was directed to pay a penalty of Rs.10,000/- for not maintaining the toilets properly at his retail outlet. Hence, the order under challenge is *set aside*

giving liberty to the respondent-Corporation to pass orders afresh after giving notice to the petitioner.

5) With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

02.06.2017
gkv

