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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 31731 and 30495 of 2014
and

M.P. Nos. 1 and 1 of 2014

M/s. Golden Vats Private Limited
Rep. by its Director
Having Administrative Office at:
No.272, Avvai Shanmugam Salai
Gopalapuram
Chennai - 86.

... Petitioner
(in both Wps)

-vs-

1. The Chairman
Tamil Nadu State Marketing Corporation Limited
4th Floor, CMDA Tower-II
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.
2. Tamil Nadu State Marketing Corporation Limited
Rep. by its Managing Director
4th Floor, CMDA Tower-II
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.
3. Thiru. T.Soundiah, I.A.S,
Managing Director
Tamil Nadu State Marketing Corporation Limited
4th Floor, CMDA Tower-II
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.
4. Chief General Manager
Tamil Nadu State Marketing Corporation Limited
4th Floor, CMDA Tower-II
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.



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5. Thiru Balasubramanian
Chief General Manager
Tamil Nadu State Marketing Corporation Limited
4th Floor, CMDA Tower-II
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.

... Respondents
(in both Wps)

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Fourth Respondent in RC.No.B2/9882/2010 dated 11.11.2014 and 15.11.2014, RC.No.B2/9882/2010 dated 12.11.2014 and 17.11.2014 and RC.No.B2/9882/2010 dated 14.11.2014 and 18.11.2014 and to quash the same as wholly arbitrary, unreasonable and illegal and consequently forbear the Respondents from in any way proceeding against the Petitioner pursuant to the impugned notices.

For Petitioner : Ms. Suhasini
for M/s. P.Wilson Associates
(in both WPs)

For Respondents: Mr. K.Sathish Kumar
Standing Counsel (in both WPs)

C O M M O N O R D E R

(through video conference)

Heard Ms. Suhasini, Learned Counsel for the Petitioner and Mr. K.Sathish Kumar, Learned Standing Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petitions challenge the order in RC.No.B2/9882/2010 dated 11.11.2014 and 15.11.2014, RC.No.B2/9882/2010 dated 12.11.2014 and 17.11.2014 and RC.No.B2/9882/2010 dated 14.11.2014 and 18.11.2014 passed by the Fourth Respondent, which are evidently show cause notices for which the Petitioner has been required to submit his explanation. The consistent legal position has been reiterated by the Hon'ble Supreme Court of India in Special Director -vs- Mohammed Ghulum Ghouse [(2004) 3 SCC 440], Secretary, Ministry of Defence -vs- Prabhash Chandra Miradha (AIR 2012 SC 2250) and Life Insurance Corporation of India -vs- A.Masilamani [(2013) 6 SCC 530] that show cause notices cannot be challenged before completion of enquiry and the proceedings cannot be interfered with in the interregnum till it reaches its logical conclusion.



3. Having due regard to the aforesaid legal position, as there is nothing which precludes the Petitioner from raising the contentions in this Writ Petition in the proceedings before the Fourth Respondent, who is bound to deal with the same before coming to any ultimate conclusion, there is no necessity for this Court to interference in the matter at this pre-mature stage of the matter.

4. It is incumbent upon the Petitioner to submit his explanation with all supporting documents and comply with the requirements as sought in the impugned order by 30.11.2020. The Fourth Respondent shall, after affording full opportunity of hearing, duly consider the explanation of the Petitioner, deal with the each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate decision taken under written acknowledgment. In the event of any decision entailing adverse civil consequences, it would be certainly open to the Petitioner to pursue the available legal remedies to impeach the same before the proper forum in the manner recognized by law. Though obvious, it is made clear that no opinion has been expressed by this Court on the correctness or otherwise on the merits of the controversy involved in the matter.

In the result, these Writ Petitions are dismissed with the aforesaid clarifications. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman

Tamil Nadu State Marketing Corporation Limited
4th Floor, CMDA Tower-II
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.

2. Managing Director,

Tamil Nadu State Marketing Corporation Limited
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Managing Director,
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5. Thiru Balasubramanian
Chief General Manager
Tamil Nadu State Marketing Corporation Limited
4th Floor, CMDA Tower-II
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Egmore, Chennai - 600 008.

+1cc to M/s.K.Sathishkumar, Advocate SR.33340
+1cc to M/s.Wilson Associates Sr.33466

W.P. Nos. 31731 and 30495 of 2014

mti[col]
srg 04/11/2020