



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

WEB COPY

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

W.P.(MD) No.4786 of 2020 and  
WMP(MD) No.4156 of 2020

S.Suthesan

: Petitioner

**Vs**

The District Manager,  
Tamil Nadu State Marketing Corporation  
Limited (TASMAC),  
Madurai South, Madurai.

: Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.331/2020/A dated 13.02.2020, quash the same.

For Petitioner : Mr.L.Shaji Chellan  
For Respondents : Mr.H.Arumugam  
Government Advocate

**O R D E R**

Challenging the impugned order passed by the respondent in Na.Ka.No.331/2020/A dated 13.02.2020 and to quash the same, the Writ Petition has been filed.

2. The case of the petitioner is that while the petitioner was working as salesman in Tamil Nadu State Marketing Corporation Limited (TASMAC) situated at Athipatti, under the respondent herein, he was issued with an impugned order stating that he has sold Kingfisher Beer 650 ml bottle with a margin of Rs.10/-, for which he was imposed a fine of Rs.10,000/- along with GST of Rs.1,800/-. Challenging the said impugned order, the present Writ Petition has been filed by the petitioner.

3. The learned counsel for the petitioner submitted that the impugned order dated 13.02.2020 imposing a fine has been passed by the respondent, without conducting any inspection or enquiry. Further the learned counsel submitted that no notice has been issued to the petitioner. It is further submitted that passing an order without giving opportunity to defend the case is highly illegal and against the principles of natural justice. Hence, the learned counsel prayed this Court to quash the impugned order dated



13.02.2020 passed by the respondent.

4. On the other hand, the learned Government Advocate appearing for the respondent has produced a file today stating that show cause notice has been issued to the petitioner and he has also received the same. Hence, it is not correct to state on the side of the petitioner that no notice has been issued. Therefore, there is no need to interfere with the impugned order passed by the respondent.

5. Heard both sides. Perused the documents.

6. From the records, it could be seen that show cause notice has been issued to the petitioner on 10.02.2020 and the impugned order has been passed on 13.02.2020, which clearly shows that no sufficient opportunity has been given to the petitioner to defend his case. Even without getting his reply, the impugned order came to be passed by the respondent. Hence, in my opinion, the impugned order passed by the respondent needs interference of this Court.

7. In view of the above, the impugned order passed by the respondent is hereby set aside and the matter is remanded back to the authority concerned to pass appropriate orders in accordance with law, after giving due opportunity to the petitioner.

8. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

**To**

The District Manager,  
Tamil Nadu State Marketing Corporation  
Limited (TASMAC),  
Madurai South, Madurai.

VRN

TE : 18/03/2020 : 2P/2C

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