



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.5221 of 2020
and
W.M.P (MD) No.4559 of 2020

M.Karthikeyan

.. Petitioner

Vs.

1.The Senior Regional Manager
Tamil Nadu State Marketing Corporation (TASMAC)
Madurai
Madurai District

2.The District Manager
Tamil Nadu State Marketing Corporation (TASMAC)
Tuticorin
Tuticorin District

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the second respondent in Na.Ka.No.A2/430/2020 dated 28.02.2020 and quash the same.

For Petitioner : Mr.A.Srinivasan

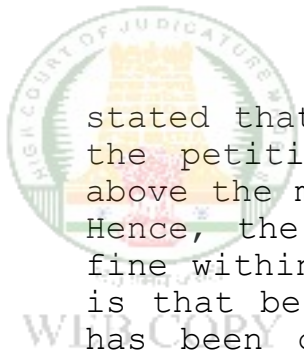
For Respondents : Mr.B.Jameel Arasu

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari to call for the records of the second respondent in Na.Ka.No.A2/430/2020 dated 28.02.2020 and quash the same.

2.Mr.B.Jameel Arasu, learned counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner was appointed as Salesman in the respondents Corporation on contract basis on 27.11.2003. In this circumstance, the second respondent issued an impugned order dated 28.02.2020 in which it has been



stated that the District Manager, Theni had conducted inspection in the petitioner's shop and found that the petitioner sold liquor above the maximum retail price whereby additionally charged Rs.10/-. Hence, the petitioner was directed to pay a sum of Rs.11,800/- as fine within a period of three days. The grievance of the petitioner is that before passing the impugned order, no notice or no enquiry has been conducted by the respondents. Hence, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

5. This Court is of the view that while passing any order, it is the basic requirement to issue notice to the alleged person by following the principles of nature justice. But, in this case, the impugned order has been passed without giving any notice to the petitioner, warrants interference by this Court. Therefore, the impugned order of the second respondent, dated 28.02.2020 is set aside and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to pass orders on merits and in accordance with law after affording an opportunity to the petitioner to put forth his reply on the alleged report, dated 07.02.2020, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-11496[F] dated 13/03/2020)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-11619[F] dated 13/03/2020)

ORDER MADE IN
W.P (MD) No.5221 of 2020
and
W.M.P (MD) No.4559 of 2020
12.03.2020

msa

SDS (05.05.2020) 2P-3C

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