



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.782 of 2021

and W.M.P. (MD) .No.642 of 2021

WEB COPY

V.Boomiraj

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
4th Floor, CMDA Towers,
Gandhi Irwin Bridge Road,
Egmore, Chennai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Madurai Regional,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of 3rd respondent pertaining to the impugned proceedings dated 24.06.2020 vide Na.Ka.No.166/2020/A6, seeking explanation as to why penalty to the tune of 50% with 24% interest and GST shall not be imposed for the short fall in the stock and quash the same.

For Petitioner : Ms.A.Arul Jenifer

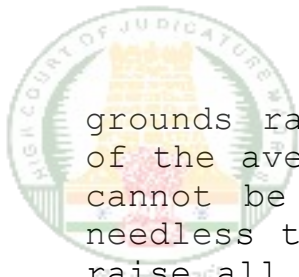
For Respondents : Mr.H.Arumugam
Standing counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Heard Ms.A.Arul Jenefer, learned counsel for the petitioner and Mr.H.Arumugam, learned Standing counsel appearing for the respondents.

3.The scope of interference to a show cause notice under Article 226 of the Constitution of India, is very limited and the



grounds raised by the petitioner, touch upon the factual aspects of the averments in the show cause notice. Such factual aspects, cannot be considered by this Court in a writ petition. It is needless to point out that the petitioner is always at liberty to raise all these factual objections in his reply to the show cause notice. As such the writ petition itself cannot be sustained and hence dismissed. No costs. Consequently, connected miscellaneous petition is closed.

4. At this juncture, the learned counsel for the petitioner would submit that he may be given a liberty to file his objections to the impugned show cause notice, in case the respondents have not passed any final orders, pursuant to the show cause notice issued on 24.06.2020. The petitioner is granted liberty to file fresh objections to the show cause notice, within a period of fifteen days from the receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

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