



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.09.2021**

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No. 16830 of 2021

and W.M.P. (MD) No.13712 of 2021

WEB COPY

P.Vijayaraj

... Petitioner

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
No.100, Annanagar,
Madurai.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Kanyakumari District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.A1/5470/2021, dated 06.09.2021 and quash the same and consequently directing the respondents herein to conduct enquiry on the complaint given by the petitioner dated 27.08.2021 and file a report within the time fixed by this Court.

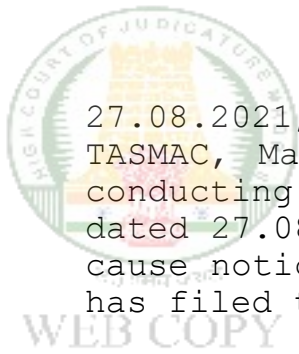
For Petitioner	:	Mr.M.Jerinmathew
For Respondents	:	Mr.S.Ramakrishnan for Mr.B.Jameel Arasu, Standing Counsel.

O R D E R

By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.This Writ Petition has been filed challenging the order passed by the second respondent dated 06.09.2021 and for a consequential direction to the respondents to conduct enquiry on the complaint given by the petitioner dated 27.08.2021 and file a report within the time fixed by this Court.

3.The case of the petitioner is that he is working as a Salesman under the respondent corporation. On 27.08.2021, a surprise inspection was conducted by a special squad and it was found that the petitioner has been selling the liquor bottles more than the MRP rates. The special squad has also forcibly obtained signature from the petitioner. In this regard, the petitioner on



27.08.2021, has made a complaint before the Managing Director, TASMAC, Madurai. The grievance of the petitioner is that without conducting any enquiry on the complaint given by the petitioner dated 27.08.2021, the second respondent has issued the impugned show cause notice dated 06.09.2021. Challenging the same, the petitioner has filed this Writ Petition.

4.The learned counsel appearing for the petitioner, would submit that the petitioner made a complaint to the respondents on 27.08.2021, alleging that the special squad has obtained a signature forcibly from him. However, without conducting any enquiry on the complaint given by the petitioner, the second respondent has passed the impugned order and hence, the same is highly illegal and is liable to be set aside.

5.The learned counsel appearing for the respondents would submit that the petitioner without giving explanation to the impugned show cause notice, has approached this Court and filed this Writ Petition. Therefore, this Writ Petition is not maintainable.

6.Considering the facts and circumstances of this Case, this Court is of the view that the petitioner without giving explanation to the impugned show cause notice has approached this Court. Hence, this Court cannot entertain this Writ Petition. However, liberty is given to the petitioner to submit his explanation before the authority concerned to the impugned show cause notice, within a period of two weeks from the date of receipt of a copy of this order. After receiving the same, the respondents shall consider the same and take appropriate decision in accordance with law. It is needless to say that the petitioner's complaint can be enquired by the authority concerned.

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

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.



To

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
No.100, Annanagar,
Madurai.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Kanyakumari District.

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RS (29.09.2021) 3P 3C