



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.20626 of 2021

and

W.M.P. (MD)Nos.17255 and 17256 of 2021

WEB COPY

M.Karthikeyan

...Petitioner

vs.

Tamil Nadu State Marketing Corporation,
Rep. by its District Manager,
Tiruchirappalli-620 015.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned show cause notice issued by the respondent bearing Na.Ka.No.CEEVEE/2/388/2021 dated 25.10.2021 and quash the same within a time frame.

For Petitioner	: Mr.K.M.Ramesh
For Respondent	: Mr.B.Jameel Arasu

O R D E R

This writ petition is filed as against the charge memo issued by the respondent on 25.10.2021 in Na.Ka.No.CEEVEE/2/388/2021.

2.The grievance of the petitioner is that by the impugned charge memo, the petitioner has been directed to pay the interest along with GST, even without fixing the offence committed by him. It is also submitted that the respondent/Corporation has not conducted any enquiry. However, they have fixed liability on this petitioner to pay a sum of Rs.8,35,320/-, for which, they have issued charge memo and the petitioner has also repaid the shortage amount along with a sum of Rs.1,00,000/- towards interest.

3.According to the learned counsel for the petitioner, due to COVID-19 lockdown, they were directed to close the TASMACH shops, but, they have not restricted to sell the goods. Due to announcement of lock down, the goods sold for the above said amount could not be billed and he further submits that this is what happened all over Tamilnadu.

4.Mr.B.Jameel Arasu, learned counsel takes notice for the respondents and submits that apart from this irregularity, this petitioner is also involved in a criminal case, on 10.05.2020, wherein, this petitioner has sold some liquor bottles out of TASMACH



shop, for which, the police registered a case in Crime No.724 of 2021 on the file of Thuvakudi Police Station, for the offence punishable under Section 4 of Tamil Nadu Prohibition Act.

5. On perusal of the impugned charge memo, it appears that without referring the nature of offence committed, the petitioner was directed to pay some amount. Without any clarity as to the nature of offence, the charge memo, which is nothing but a recovery order, has been passed.

6. In such view of the matter, the charge memo impugned in this writ petition dated 25.10.2021 stands set aside. However, the respondent is at liberty to issue a fresh charge memo, if so advised and if any delinquency has been pointed out as against this petitioner.

7. With the above liberty, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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
The District Manager,
Tamil Nadu State Marketing Corporation,
Tiruchirappalli-620 015.

+1 CC to M/s.K.M. RAMESH, Advocate (SR-35255[F] dated 19/11/2021)

ORDER MADE IN
W.P (MD) No.20626 of 2021
and
W.M.P. (MD) Nos.17255 and 17256 of 2021
18.11.2021

AM(CO)
TR(06.12.2021) 2P 3C