



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3994 of 2022
and
W.M.P.(MD) No.3422 of 2022

I.Venkateswaran

... Petitioner

-vs-

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Plot No:100, Anna Nagar, Madurai - 20.
2. The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
TASMAC IMFS DEPOT,
Bethal Nagar, Chenbagaramanputhur,
Aralvaimozhi, Kanyakumari District. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2nd Respondent herein vide Na.Ka.No.A1/3732/2020 dated 21.02.2022 and quash the same as illegal.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.B.Jameel Arasu,
Standing Counsel

O R D E R

The original order of punishment imposing fine for MRP violations in proceedings dated 21.02.2022 is under challenge in the present writ petition.

2.This Court is of the considered opinion that such original orders require adjudication at the hands of the appellate authority, as the correctness or otherwise of the order is to be verified by the appellate authority with reference to the documents and



evidences. High Court cannot conduct a roving enquiry in this regard with reference to the disputed facts. The right of a litigant to exhaust the appellate remedy need not be taken away by the Courts in a routine manner. Contrarily, the grievances may be redressed before the appellate authority in the manner known to law.

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3. Dispensing with the appellate remedy or alternate remedy is an exception and the rule is to approach the appellate authority as per the rules in force. Thus, in all circumstances, the original orders are to be challenged before the appellate authority for effective adjudication and only in exceptional cases where there is gross injustice or the loss, if any, cannot be compensated, then alone the High Court would be dispensing with the appellate remedy and entertain a writ petition. Thus, writ petitions need not be entertained in a routine manner when there is an appellate remedy or alternate remedy under the statute of the rules is available.

4. These being the principles to be followed, the petitioner is at liberty to approach the appellate authority and in the event of any such approach by the petitioner, the appellate authority is directed to consider the appeal on merits and in accordance with law and based on the documents and evidences, dispose of the same as expeditiously as possible.

5. It is made clear that the appellate authority is empowered to adjudicate both the facts and legal grounds raised by the petitioner. Even the violation of principles of natural justice shall be considered by the appellate authority if raised with sufficient materials. Thus, all the grounds including additional evidences or otherwise may be placed before the appellate authority for effective adjudication.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr



To

1. The Senior Regional Manager,
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