



W.P(MD)No.25

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25146 of 2022
and
W.M.P.(MD)No.19239 of 2022

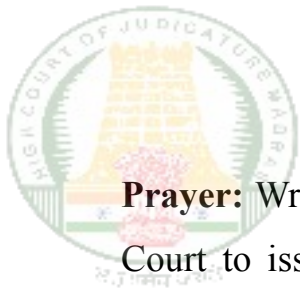
S.Nagarajan

... Petitioner

Vs

- 1.The Commissioner of Police,
Food Safety and Drug Administration Department,
Chennai.
2. The District Collector,
Collectorate,
Madurai District.
3. The Commissioner of Police,
Madurai City,
Madurai.
4. The Food Safety Officer,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.
5. The Inspector of Police,
Sellur Police Station,
Madurai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent impugned notice dated 20.10.2022 and quash the same and consequently direct the respondents to permit the petitioner to run the “Meenakshi Grocery Shop” situated at Ahimshapuram, Sellur, Madurai.

For Petitioner	: Mr.R.Manoharan
For R2	: Mr.D.Gandhiraj, Special Government Pleader
For R4	: Mrs.S.Devasena Standing Counsel
For R1, R3 & R5	: Mr.B.Thanga Aravindh Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent impugned notice dated 20.10.2022 and quash the same and consequently direct the respondents to permit the petitioner to run the “Meenakshi Grocery Shop” situated at Ahimshapuram, Sellur, Madurai.

2.Heard Mr.R.Manoharan, learned Counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for second respondent, Mrs.S.Devasena, standing counsel appearing for 4th respondent and Mr.B.Thanga Aravindh, learned Government Advocate appearing for the respondents 1, 3 & 5.



3. The learned counsel appearing for the petitioner would submit that the petitioner is running a petty shop in the name and style of “Meenakshi Grocery Shop” at Ahimshapuram, Sellur, Madurai District and he did not sell any prohibited items at his shop. However, the fifth respondent frequently came to his shop and compelled him to pay the fine for illegal selling of Tobacco products. Due to compulsion, he remitted the fine amount to the Government. The fifth respondent registered a case against the petitioner for illegal selling of 10 pockets of Tobacco products. In the meantime, the fourth respondent locked the petitioner's shop without giving any prior notice on 20.10.2022. Aggrieved over the same, the petitioner has filed the present writ petition.

4. The learned counsel appearing to the petitioner submitted that the impugned order reveals that the petitioner sold the Tobacco products to his customers, but, there is no document to show that he sold Tobacco products to the consumers. Due to registration of the F.I.R. as well as the lock and seal of the petitioner's shop by the fourth respondent, the petitioner could not run the shop, hence, he is starving for his livelihood and the fourth respondent has violated Articles 19(1)(g) and 21 of the Constitution of India. The learned counsel further submitted that the fourth respondent sealed the grocery shop on 20.10.2022 without giving notice to the petitioner, which is against the principles of natural justice guaranteed under the Constitution of India.



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5. Mr.B.Thanga Aravindh, learned Government Advocate (Criminal Side) appearing for the respondents 3 and 5 submitted that the petitioner is the habitual offender and he has involved in three similar previous cases and he is repeatedly doing such offence and strongly opposed this petition.

6. Considering the aforesaid submissions made by the learned counsel on either side, this Court is not inclined to accept the prayer made by the petitioner for the reason that he is the habitual offender and has involved in three similar previous cases. Further, the petitioner has been selling Tobacco products in his Shop, which is situated near the School, Hospital and other residential area and therefore, the act of the petitioner is not acceptable and contemptible and the respondents have rightly passed the impugned order.

7. With the above observation, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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