



W.P.(MD) No.13382 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.13382 of 2024
and
W.M.P.(MD) Nos.11814 and 11817 of 2024**

R.Subramani

... Petitioner

/vs./

1.The District Collector,
Office of the Collectorate, Sivagangai.

2.The Sub Collector/District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Pala Malai Nagar,
Thondi Road,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the Impugned order passed by the 2nd respondent vide his Proceedings in Na.Ka.No.A5/911/2024 dated 24.04.2024 and quash the same as illegal.

For Petitioner : Mr.D.Senthil



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For R1 : Mr.G.Suriyanath
Additional Government Pleader

For R2 : Mr.H.Arumugam
Standing Counsel

ORDER

Heard Mr.D.Senthil, learned counsel for the petitioner, Mr.G.Suriyanath, learned Additional Government Pleader for the first respondent and Mr.H.Arumugam, learned Standing Counsel for the second respondent.

2.The petitioner appears to be the third accused in the FIR in Crime No.113 of 2024 dated 19.04.2024 along with two others, namely, Kalimuthu and Ramesh, who appeared to be the prime accused.

3.The allegation against the petitioner and the other two accused is that large quantity of liquor from the TASMAL shop was illegally procured by the petitioner for selling it profit. Under these circumstances, the petitioner's license for running a Bar attached to the TASMAL shop, has been suspended.



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4.The only reason stated in the impugned order is that the petitioner was involved in the sale of huge quantity of liquor along with other two accused. The impugned order does not precede any enquiry or a show cause notice. It is merely based on the FIR registered in Crime No.113 of 2024 dated 19.04.2024.

5.It is needless to state that there is a gross violation of principles of natural justice, as it has not preceded any show cause notice. Therefore, the impugned order is set aside and the matter is remitted back to the second respondent to issue proper notice to the petitioner and thereafter proceed against the petitioner. If a case is made out against the petitioner for violating any of the terms and conditions of the Bar license issued to the petitioner, the respondents seal the Bar. Pending such exercise, the petitioner's Bar shall be de-sealed forthwith.

6.The Writ Petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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To

The District Collector,
Office of the Collectorate, Sivagangai.



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C.SARAVANAN, J.

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