



W.P(MD)No.22434 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22434 of 2023 and
WMP(MD) Nos. 18707 of 2023 & 20405 of 2024

Raja.V

... Petitioner

Vs

1.The Assistant Inspector of Labour cum
Legal Metrology Officer,
Karaikudi,
Sivagangai District.

2.Vasanthi .K,
Assistant Inspector of Labour Cum Legal
Metrology Officer,
Karaikudi,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records of Impugned notice in Na.Ka.No. 182/2023 dated 26.06.2023 and consequent impugned order dated 26.07.2023 in O.Mu.No. B/1056/2023 passed by the first respondent and quash the same and consequently direct the 1st respondent to



W.P(MD)No.22434 of 2023

WEB COPY

return the seized envelopes forthwith.

For Petitioner	: Mr.Rm.Arun Swaminathan
For R1	: Mr.C. Venkatesh Kumar Special Government Pleader
For R2	: No appearance

ORDER

The petitioner is running a retail stationery shop in the name and style of “Raja Paper Stores” at Karaikudi. His business was duly registered with the Commercial Tax Department with TIN No.33375482328 and also with GST Authority in 33A1PR2958PIZ9. According to the petitioner, the Assistant Inspector of Labour cum Legal Metrology Officer, Karaikudi, Sivagangai, namely, K.Vasanthi has inspected the petitioner’s store on 22.06.2023 at about 4.15 p.m and one of her subordinate has directly demanded a sum of Rs.5,000/- from the petitioner. Since the petitioner has refused to pay the demanded amount, a show cause notice, under Section 18(1) of the Legal Metrology Act, 2009 and Legal Metrology (Packaged Commodities) Rules, 2011 was issued to this petitioner on 26.06.2023. Thereafter, a fine amount of



W.P(MD)No.22434 of 2023

WEB COPY

Rs.5,000/- was imposed on the petitioner, by an order, dated 26.07.2023 and the same are under challenge in this writ petition.

2.The learned counsel appearing for the petitioner submits that on the date of inspection, the respondent has seized an envelope packet containing 250 numbers from the petitioner's shop that no declaration has been made on the package in respect of retail sale price. According to the petitioner, he has purchased the envelope from the whole sale dealer for the purpose of selling it on retail and he has never intended to sell the envelopes without following the rules. The main contention of the petitioner is that for not having obliged the officer, the officer has initiated the prosecution as if this petitioner has violated Rule 6(1)(e) of the Legal Metrology (Packaged Commodities) Rules, 2011 r/w Section 18 of Legal Metrology Act, 2009. This Rule mandates that the Maximum Retail Price (MRP) inclusive of taxes needs to be indicated in the package. The prosecution was laid and a notice was also issued to this petitioner as if this petitioner has failed to mention



W.P(MD)No.22434 of 2023

WEB COPY

the Maximum Retail Price in each and every single cover. For not mentioning MRP in a loose cover, the respondent has initiated the prosecution. Therefore, the impugned show cause notice as well as the order imposing penalty have to be set aside.

3.Considering the manner, in which, the show cause notice was issued as against this petitioner and also considering the specific allegation as against the officer of the respondent Department, this Court directed the learned Special Government Pleader to file a report as to whether any such prosecution has been laid in the past.

4.The learned Special Government Pleader has filed a report stating that no such prosecution has been laid in the past for not mentioning the retail price in the loose covers. However, the learned Special Government Pleader has made his submissions as under:-



W.P(MD)No.22434 of 2023

- i. This writ petition is not maintainable on the ground of non-joinder of necessary party. The impugned order, dated 26.07.2023 was passed by the Assistant Commissioner of Labour (Enforcement) cum Deputy Controller of Legal Metrology, however, he was not arrayed as necessary party.
- ii. The impugned order, dated 26.06.2023 is only a show cause notice and therefore, this writ petition is not maintainable as against the show cause notice.
- iii. As against the impugned order passed by the Assistant Commissioner of Labour (Enforcement) cum Deputy Controller of Legal Metrology, imposing penalty, an appeal remedy, under Section 50 of the Legal Metrology Act, 2009 is available to the petitioner and without exhausting the appeal remedy, the petitioner has directly approached this Court.
- iv. The specific allegation as against this petitioner is that he has sold the envelope covers in retail, without any declaration on the package, with regard to the retail sale



W.P(MD)No.22434 of 2023

price, which is contrary to Rule 6(1)(e) of the Legal Metrology (Packaged Commodities) Rules, 2011.

- v. There should be a declaration on pre-packed commodities as per Section 18 of the Legal Metrology Act, 2009.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, who is running a retail stationery shop was issued with a show cause notice, dated 26.06.2023 and subsequently imposed with penalty of a sum of Rs.5,000/-, by order, dated 26.07.2023, as he has violated Rule 6(1)(e) of the Legal Metrology (Packaged Commodities) Rules, 2011 r/w Section 18 of Legal Metrology Act, 2009. The petitioner has made specific allegation as against the officer of the respondent Department that for not having obliged the officer, this prosecution has been initiated. Considering this specific allegation, this Court has also verified with the learned Special Government Pleader that any such



W.P(MD)No.22434 of 2023

similar prosecution has been laid in the past, for which, he replied negatively. Rule 6(1)(e) of Legal Metrology (Packaged Commodities) Rules, 2011 reads as under:-

"The retail sale price of the package (shall clearly indicate that it is the maximum retail price inclusive of all taxes (in Indian currency)

Provided that for packages containing alcoholic beverages or spirituous liquor, the State Excise Laws and the rules made there under shall be applicable within the State in which it is manufactured and where the state excise laws and rules made there under do not provide for declaration of retail sale price, the provisions of these rules shall apply".

7.The above Rule stipulates that Maximum Retail Price should be indicated in the package and not in all loose covers. Considering the manner, in which, the prosecution has been laid under Rule 6(1)(e) of Legal Metrology (Packaged Commodities) Rules, 2011 and also considering the allegation levelled as against the officer of the respondent Department, this Court is inclined to allow this writ petition.



W.P(MD)No.22434 of 2023

WEB COPY

8. Accordingly, this writ petition is allowed and the impugned orders, dated 26.06.2023 and 26.07.2023 are hereby set aside. No costs. Consequently, connected Miscellaneous petitions are closed.

26.11.2025

NCC: Yes/No
Index: Yes/No
vrn

To

The Assistant Inspector of Labour cum Legal Metrology Officer,
Karaikudi,
Sivagangai District.



WEB COPY



W.P(MD)No.22434 of 2023

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.22434 of 2023 and
WMP(MD) Nos. 18707 of 2023 & 20405 of 2024

26.11.2025