

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.Nos.10065 & 10066 OF 2015

Navarathinam

[PETITIONER IN BOTH WPs]

Vs

- 1 The Home Secretary
Government of Tamil Nadu Fort St. George
Chennai-9.
- 2 The Additional Director of
Prisons Chennai-8.
- 3 The Superintendent of Prisons
Central Prison Coimbatore -18. [RESPONDENTS IN BOTH WPs]

PRAYER IN W.P.NO.10065/2015:

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of certiorari to Call for the records relating to the proceeding of the 3rd respondent dated 29.10.2013 & 05.03.2014 issued in No. 19473/PO5/2012 and quash the same.

PRAYER IN W.P.NO.10066/2015:

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of certiorari to Call for the records relating to the proceeding of the 3rd respondent dated 28.10.2013, 10.12.2013 & 11.04.2014, issued against the petitioner in No. 12512/Ka2/2013 and quash the same.

For Petitioner : Mr.P.I.Thirumoorthy
For Respondents : Mr.K.V.Dhanapalan
Addl. Government Pleader

C O M M O N O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petitions are taken up for final disposal at the admission stage itself.

2. In these Writ Petitions the petitioner has questioned the show cause notice as to why recovery could not be made on the ground that excess demand was made.

3. In one of the cases, the petitioner has submitted explanation and in another case the petitioner is yet to submit his explanation and without waiting for the orders, the petitioner has rushed to this Court.

4. It is a well-settled law that a writ petition is not maintainable against a show-cause notice. It has been held by the Apex Court in Union of India and another Vs. Kunisetty Satyanarayana, reported in 2006 (12) SCC 28, that was relied on by the learned Special Government Pleader, that the writ petition is not maintainable against a show-cause notice, and the said judgment squarely applies to the facts of these cases and the following passage in paragraph 14 of the said judgment is extracted in this regard :

"14. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance."

5. Following the aforesaid decision, I find no merit in this Writ Petition and the same shall stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The Secretary to Government
The Government of Tamilnadu
Public Works Department,
Secretariat, Chennai-9
- 2 The Additional Direct of Prisons,
Chennai.
- 3 The Superintendent of Prisons,
Central Prison,
Coimbatore - 18.

1 CC to Mr.P.I.Thirumoorthy, Advocate SR.No. 19677

1 CC to the Government Pleader, SR.No. 19930

W.P.Nos.10065 & 10066 OF 2015

RK (CO)
PSI (24.04.2015)



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