

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.21949 of 2015
and
M.P.No.1 of 2015

A.U.Karunakaran
1, Arulmozhi Lane,
Udumalpet.

...Petitioner

Versus

1.Secretary to Government
MAWS Department
Fort St. George,
Chennai -9.

2.Saravana Kumar
Municipal Commissioner,
Udumalpet.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration pronouncing all proceedings arising out of Na. Ka. No.874/2015/A1 dated 15.06.2015 as being ultra vires Articles 14, 21 and 226 of the Constitution of India and direct the 1st respondent to recover the costs of this litigation from the 2nd respondent.

For Petitioner : Mr.Manikandavathan Chettiar
for
Mr.R.Mathankumar

For Respondent-1 : Mr.M.Dig Vijaya Pandian
Additional Government Pleader

ORDER

This Writ Petition has been filed by Mr.A.U.Karunakaran, challenging the impugned show cause notice dated 15.06.2015 bearing Na.Ka.No.874/2015/A1 dated 15.06.2015.

2. Learned counsel appearing for the petitioner would submit that when the petitioner had already come to this Court by filing W.P.No.16383 of 2015 challenging the action of the respondent disturbing the lease holding right, this Court had granted interim order on 09.06.2015. Taking vengeance against the petitioner for having moved this Court, the respondent with malice issued the impugned notice for which, the petitioner has also given a detailed reply dated 25.06.2015 making his stand very clear. However, since the respondent has indicated in the show cause notice that the petitioner ought not to have rushed to this Court by filing W.P.No.16383 of 2015, which amounts to clear interference with the course of justice, this Court on finding that the petitioner on receipt of the show cause notice dated 15.06.2015 impugned herein has sent a detailed representation dated 25.06.2015 is not in a position to find out the mind of the respondent as to what conclusion he would be reaching finally either favourably or otherwise. Therefore, before the respondent passes an order, it may not be appropriate on the part of this Court to step into the minds of the respondent without any definite idea on the proposed decision going to be taken by the respondent. Although the petitioner in the affidavit has mentioned that the second respondent has to proceed further without considering his response, it would be too early to rush to any conclusion. Therefore, this Writ Petition cannot be entertained at this stage, hence, the same fails.

3. In the result, the Writ Petition is dismissed. It is for the respondent to take final conclusion on merits expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mra

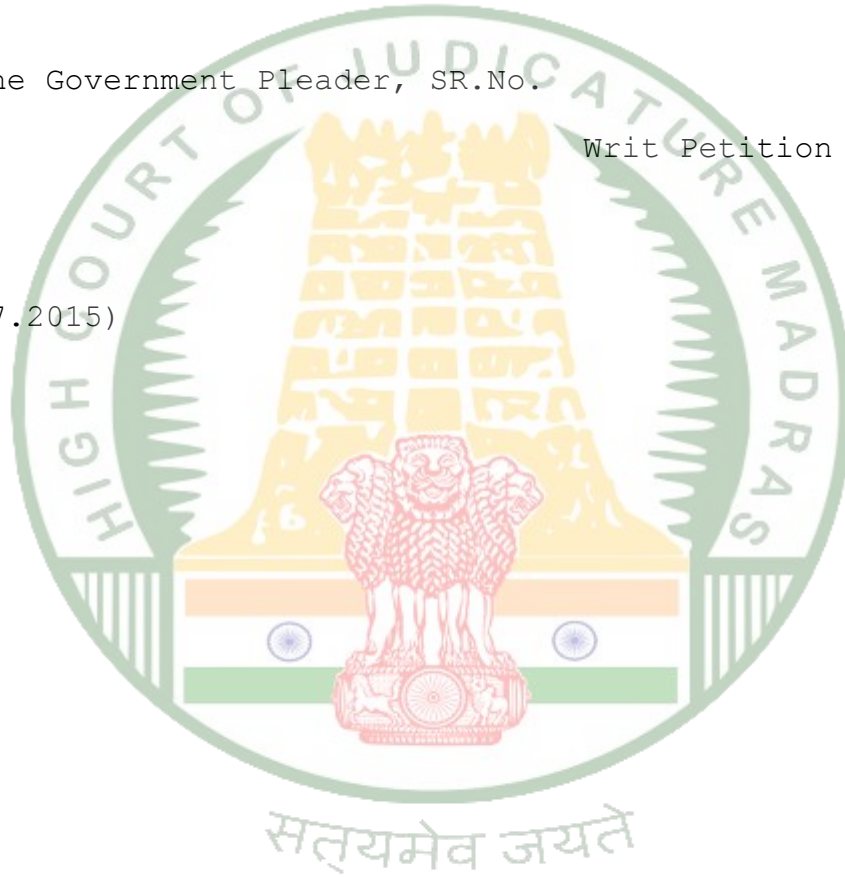
To

1. Secretary to Government
MAWS Department
Fort St. George, Chennai -9.
2. Saravana Kumar
Municipal Commissioner,
Udumalpet.

1 CC to the Government Pleader, SR.No.

Writ Petition No.21949 of 2015
and
M.P.No.1 of 2015

AK (CO)
PSI (29.07.2015)



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