



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :24.04.2015
CORAM

THE HONOURABLE MR. JUSTICE .R. MAHADEVAN

W.P.(MD).No.1616 of 2015
and

M.P. (MD).Nos.1 and 2 of 2015

K.Rajkumar

... Petitioner

Vs

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Block Development Officer,
Udangudi Union,
Tuticorin District.

... Respondents

This Writ Petition has been filed praying for a Writ of Certiorari to call for the records on the file of the first respondent made in U.Ni.5/6655/2013 dated 21.01.2015 and quash the same.

For petitioner : Mr.N.Mohideen Basha

For respondents : Mr.S.Bharathi
Government Advocate

ORDER

This Writ Petition has been preferred by the petitioner praying for a Writ of Certiorari to call for the records on the file of the first respondent made in U.Ni.5/6655/2013 dated 21.01.2015 and quash the same.

2. Mr.S.Bharathi, learned Government Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. The learned counsel appearing for the petitioner would submit that as per Section 205 (1) (a) of the Panchayats Act 1994, every act is done only on the basis of a direction given by the Inspector of Police and hence, there cannot be any show cause notice making certain allegations against the petitioner. He would further submit that earlier, considering the facts and circumstances of the case, this Court has also granted an order of interim stay.

5. The learned Government Advocate appearing for the respondents through her vacate stay petition would submit that it is only a show cause notice and the said show cause notice was issued to the petitioner since the respondents found certain irregularities in the affairs of the Panchayat. In any event, the petitioner can very well



put forth his reply to the show cause notice, as raised before this Court.

6. In reply to the learned Government Advocate would submit that, the notice is a pre-determined one and ideology has been very well exposed in the said notice and therefore, there is every possibility to confirm the impugned notice issued by the first respondent.

7. Admittedly and as rightly pointed out by the learned Government Advocate, it is only a show cause notice and therefore, the petitioner is directed to give explanation within a period of two weeks from the date of receipt of a copy of this order. On receipt of the reply to be filed by the petitioner, the respondents shall pass appropriate orders, on merits and in accordance with law, after giving due opportunity of hearing to the petitioner within a period of four weeks, thereafter.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Block Development Officer,
Udangudi Union,
Tuticorin District.

+1cc to Special Govt.Pleader SR.No.22310

W.P(MD).No.1616 of 2015
24.04.2015

ssm

PA/20.05.2015/2P/4C