



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.21418 of 2015
and M.P.(MD) No. 1 of 2015

Mrs.T.Muthumuniyammal

... Petitioner

Vs.

The District Collector/Inspector of Panchayats,
Collectorate Building, Virudhunagar,
Virudhunagar District.

... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertainin gto the impugned show cause notice in Na.Ka.U.E.1/795/2015 dated 12.09.2015 issued by the respondent and quash the same.

For Petitioner : Mr.K.Viralinathan

For Respondent : Mr.M.Rajarajan

Government Advocate

O R D E R

This writ petition is filed against the show cause notice issued by the respondent in pursuant to an order passed by this Court made in W.P.No.5327 of 2014 dated 07.07.2014.

2. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

3.It is contended by the learned counsel for the petitioner that the show cause notice was issued with pre-determined mind and therefore there is no purpose in giving an explanation to the show cause notice.

4. I am unable to accept the said contention of the learned counsel for the petitioner for the simple reason that the present notice was issued by the respondent in pursuant to the earlier order passed by this Court in W.P.NO.5327 of 2014 dated 07.07.2014 wherein this Court has directed the present respondent herein who was the first respondent therein to consider the report of the Grievance Redressal Officer and also take note of the submission of the fourth respondent(the petitioner herein) and pass appropriate orders on merits.

5. It was the contention of the petitioner herein, as the fourth respondent therein that the amounts were *bonafidely* disbursed based on the Field Officer's mistaken notings and the same is recovered and refunded to the panchayat.



6. Needless to say that the petitioner herein should give an explanation to the present show cause notice also by stating the above facts before the respondent who in turn will have to consider such explanation and thereafter to pass appropriate orders on merits and in accordance with law. As of now this Court cannot interfere with the show cause notice as it is well settled that no writ would lie against the show cause notice so long as the same was issued by the competent authority having jurisdiction to issue the same. Apart from the above said fact, as the present show cause notice was issued in compliance with the earlier order passed by this Court, I do not think this Court can interfere with the same. No doubt, the learned counsel for the petitioner contended that tenor of the show cause notice is to the effect that the respondent has already pre-determined the issue. Needless to say that the reference made in the show cause notice with regard to an issue which has to be decided only after receipt of the explanation, cannot be construed or taken to mean that it is a final conclusion of the authority who issued the show cause notice. Thus it is for the respondent to take such final decision only after considering the explanation given by the petitioner. Therefore, any adverse reference made in the show cause notice cannot prejudice the mind of the respondent while disposing of the matter after receiving and considering the explanation of the petitioner. The petitioner is given liberty to give explanation to the show cause notice within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(c.s.- I)

/True Copy/

Sub Assistant Registrar

To

The District Collector/Inspector of Panchayats,
Collectorate Building, Virudhunagar,
Virudhunagar District.

+1cc to Mr.K.Viralinathan, Advocate Sr.No.68840

Akm/09.12.2015/ 2p- 3c/jgb/dp/SAR-I

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and M.P. (MD) No. 1 of 2015
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