

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18972 of 2017
and
W.M.P.No.20471 of 2017

V.Rukmangathan

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Regional Director Municipal Administration,
Vellore - 12.

3.The Commissioner,
Vandavasi Municipality,
Vandavasi.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records connected with the proceedings issued in Na.Ka.No.1185/2017/A1 dated 06.07.2017 passed by the third respondent and quash the same.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

सत्यमेव जयते
O R D E R

Heard Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader for the respondents. With the consent of the learned counsel appearing for the petitioner and learned Special Government Pleader, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The notice issued by the third respondent on 06.07.2017 is under challenge in this Writ Petition.

3.On a perusal of the said notice, it is seen that the writ petitioner had not collected the pending property tax dues

pertaining to the year 2004-2005. The arrears of property tax has been calculated by the Commissioner, Vandavasi Municipality and the notice was issued to the writ petitioner to recover the same from the persons concerned and deposit the same into the Municipality account.

4. May that it be, the order impugned is only a notice calling for the writ petitioner to submit his explanation with regard to the loss of revenue caused to the Municipality. Thus, the writ petitioner has to submit his explanations/objections, if any, to the notice. Instead of submitting his explanations/objections, he rushed to this Court by filing a Writ Petition under Article 226 of the Constitution of India.

5. The writ against the show cause notice shall be entertained only on exceptional circumstances and not in a routine manner. A show cause notice shall be challenged on the ground that the authority issued has no jurisdiction, incompetent to issue the notice or any mala fides are alleged against the official concerned. Even in the case of rising mala fides, the writ petitioner has to implead the authority against whom such allegations are made in his personal capacity. Only on these grounds, the writ petition against the show cause notice shall be entertained.

6. The merits and demerits of the factual circumstances cannot be entertained in a writ petition, where the show cause notice itself is under challenge. Such being the legal principle, this Court is of the firm opinion that the show cause notice dated 06.07.2017 deserves no further consideration and it is left open to the writ petitioner to submit his explanations/objections and defend the case before the authorities concerned. Thus, no further consideration is required in this Writ Petition.

7. Accordingly, this Writ Petition stands dismissed. However, no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Regional Director Municipal Administration,
Vellore - 12.

3.The Commissioner,
Vandavasi Municipality,
Vandavasi.

+1cc to the Government Pleader, S.R.No.53494

W.P.No.18972 of 2017
and
W.M.P.No.20471 of 2017

MSM(CO)
GN(22/08/2017)



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