

In the High Court of Judicature at Madras

Dated : 28.08.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.5431 of 2016

and

W.M.P.Nos.4730 and 4731 of 2016

Ruban Austin

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu Corporation for
Development of Women Ltd.,
Annai Terasa Women's Complex,
Valluvarkottam High Road,
Nungambakkam, Chennai -34.

2. The Project Officer,
Project Implementing Unit,
Vellore District.

...Respondents

Prayer: Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the first respondent made in proceedings in Na.Ka.No.1297/G1/2014 dated 23.09.2015 and quash the same.

For Petitioner :Mr.N.Umapathi

For Respondents:Mr.A.Kumar,

Special Government Pleader for 1 and 2

ORDER

The Show Cause Notice issued against the writ petitioner in proceedings dated 23.09.2015 by the first respondent is under challenge in this writ petition.

2. On perusal of the show cause notice impugned dated 23.09.2015, it is clear that certain allegations are set out against the writ petitioner, he is directed to submit his explanation/objection within fifteen days from the receipt of show cause notice.

3. The learned Counsel for the writ petitioner states that the writ petitioner has submitted his explanation on 20.10.2015 denying the allegations set out in the Show Cause Notice dated 23.09.2015. However, no final order has been passed on the Show Cause Notice. The learned counsel appearing for the writ petitioner further states that the request for production of certain documents also has not been considered.

4. This Court is of the opinion that writ against show cause notice cannot be entertained in a routine manner and only under exceptional circumstances, writ proceedings can be entertained. Show cause notice can be challenged on the ground that the authority issued show cause notice has no jurisdiction or competency or the same was issued on malafides. Even in case of raising allegation on mala fides, the authority against whom such an allegation raised is to be impleaded as a party respondent in the writ proceedings in his personal capacity. The show cause notice can be challenged if the same is in violation of the statutory rules. In the absence of any one of such ground, no writ proceedings can be entertained questioning the validity of the show cause notice. It is left open to the writ petitioner to submit his explanation/objection on the show cause notice and defend his case in order to prove his innocence.

5. In the present case, the writ petitioner has already submitted his explanation on 20.10.2015 and therefore, it is for the respondents to consider the case on merits and take a decision on the allegations stated out in the Show Cause Notice. Thus, this Court at this stage cannot consider the merits of the allegations and it is left open to the respondents to consider the same in accordance with law. In this view, I am of the opinion that no further adjudication or consideration is required on the grounds raised in this writ petition.

6. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS IV)

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Sub Assistant Registrar

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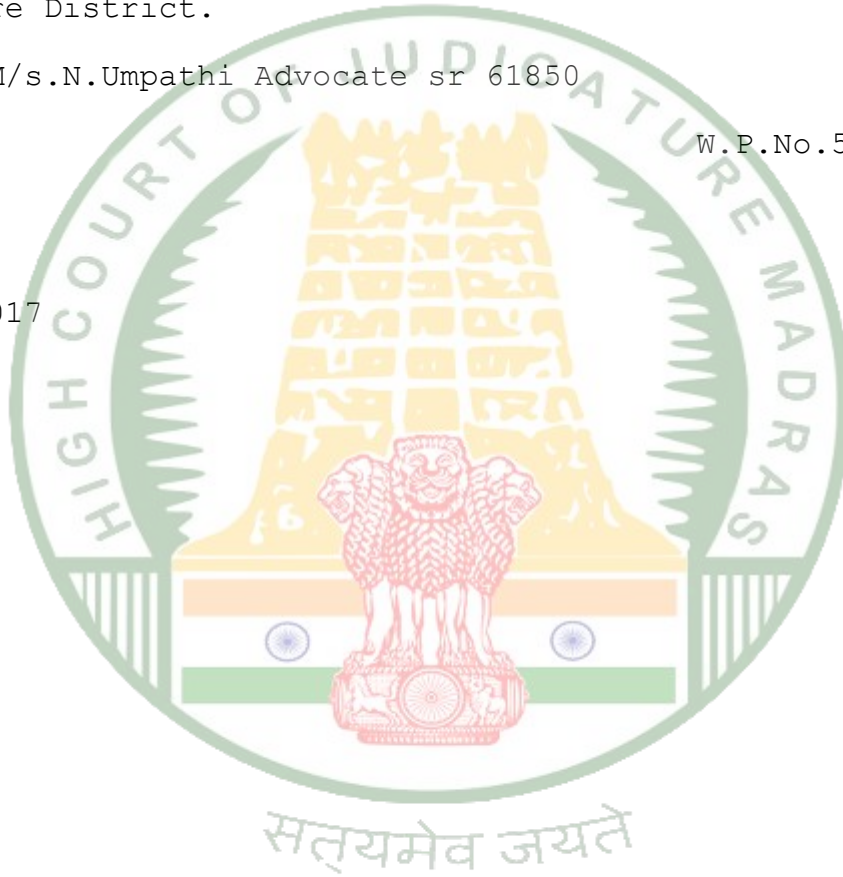
To

1. The Managing Director,
Tamil Nadu Corporation for
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Annai Terasa Women's Complex,
Valluvarkottam High Road,
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2. The Project Officer,
Project Implementing Unit,
Vellore District.

+1 cc to M/s.N.Umpathi Advocate sr 61850

W.P.No.5431 of 2016

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