

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.6445 of 2016

V. Venkatavaradan

...Petitioner

-Vs-

1. The Commissioner of Agriculture,
Chepauk, Chennai - 600 005.
2. The Joint Director of Agriculture,
Kancheepuram District.
3. The Agricultural Developmental Officer,
BDO Office Compound,
Sriperumbudur, Kancheepuram District.
4. The Accountant General (A&E),
Tamil nadu, Anna Salai, Teynampet,
Chennai - 600 018.
5. The Assistant Director of Agriculture,
BDO Office Compound,
Sriperumbudur, Kancheepuram District.
6. The Assistant Director of Agriculture,
BDO Office Compound, Padappai
Kancheepuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for direction to issue a Writ of Certiorarified Mandamus calling for the entire records ending with the Show Cause letter No.Aa/3119/2004 dated 10.10.2005 and 17.10.2005 both issued by the fifth respondent and quash the same and consequently direct the sixth respondent to return to the petitioner a sum of Rs.36,367.50 illegally recovered from the petitioner on 18.06.2014 by the sixth respondent towards unsold seeds.

For Petitioner : Mr.S. Abdul Vahab

For Respondents : Mr.K. Dhananjayan (For R1 to R3)
R3 and R6
(Spl. Government Pleader)
: M/s. T.S. Selva Rani (For R4)

O R D E R

The proceedings dated 10.10.2005 and 17.10.2005, issued by the fifth respondent, are under the challenge in this writ petition.

2. On perusal of these two orders impugned in this writ petition, this Court is of the view that it is only a show cause notice and the writ petitioner was directed to submit his explanations, within 7 days from the date of receipt of the said show cause notice dated 10.10.2005 and 17.10.2005 respectively.

3. The allegations relating to the show cause notice are deficit of stock and the writ petitioner, being an Assistant Agricultural Officer, alleged to have been caused certain irregularities in respect of stock deficits. Accordingly, based on the inspection, a show cause notice was issued to the writ petitioner to submit his explanation within a period of 7 days .

4. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner had already submitted his explanations, however, no final order has been passed. A writ against the show cause notice can be filed only on the limited grounds of jurisdiction, competency and on the ground of mala fides or if the show cause notice was issued in violation of the statutory rules. Even in case of raising the grounds of mala fides, the authority against whom such an allegation is raised to be impleaded as party-respondent in his personal capacity. In the absence of anyone of these grounds, no writ can be entertained against the writ in a routine manner. A judicial review in this regard is limited and can be exercised only on exceptional circumstances.

5. In the case on hand, no such grounds are raised. Contrarily, the pleadings are made based on the merits and by holding that the writ petitioner is not responsible for allegations of any such stock deficits.

6. This Court, at this stage, cannot adjudicate the merits and the demerits of the matter and it is left open to writ petitioner to submit his explanations/objections, if any, further and the authorities have to take a decision and pass final orders on the show cause notices, then only the cause will arise to the writ petitioner. This apart, the show cause notices were issued in the year 2005 and the writ petition was filed on 16th December, 2015, after a lapse of more than 10 years. Thus, the writ petition is liable to be dismissed on the ground of laches also. Accordingly, no further adjudication

needs to be undertaken on merits in this writ petition. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar

/true copy/

Sub Assistant Registrar

lbm

To

1. The Commissioner of Agriculture,
Chepauk, Chennai - 600 005.
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1 cc to Government Pleader, Sr., 68343

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