

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15251 of 2018
and
W.M.P.No.18081 of 2018

V.Nakkiran

..Petitioner

Vs.

- 1.The Secretary,
Government of India,
Ministry of Information and Broadcasting
'A' Wing Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.
- 2.The District Collector/Nodal Officer,
Thiruvavarur District.
- 3.The Managing Director,
Arasu Cable TV Corporation Ltd.,
34/123, 6th Floor,
Durga Towers,
Marsal Salai,
Chennai - 600 008.
- 4.The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Thiruvavarur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned show cause notice in Na.Ka.1/2018 dated 07.06.2018 of the 4th respondent and quash the same as illegal.

For Petitioner : Mr.B.Prasanna Vinoth

For R 1 : Mr.Chrustopher Kishore Vincent
Central Govt. Standing Counsel

For R 2 : Mr.V.Jayaprakashnarayanan
Special Government Pleader

For R 3 & 4 : Mr.S.Gunasekaran

O R D E R

The show cause notice issued to the writ petitioner by the fourth respondent vide proceedings in Na.Ka.1/2018 dated 07.06.2018, is under challenge in this writ petition.

2.The fourth respondent issued a show cause notice on account of certain allegations against the writ petitioner in proceedings dated 07.06.2018.

3. The learned counsel appearing on behalf of the writ petitioner, states that the petitioner is not at all responsible for any such allegations nor liable to pay as such amount sought for in the show cause notice.

4.This court is of an opinion that all such explanations are to be submitted before the competent authorities for adjudication. What is under challenge in this writ petition is a show cause notice. No writ can be entertained against a show cause notice in a routine manner. Judicial review against the show cause notice is certainly limited and the constitutional courts can entertain a writ petition challenging show cause notices or charge memo only on exceptional circumstances. A writ against a show cause notice shall be entertained if the notice has been issued by the incompetent authorities having no jurisdiction or an allegation of malafides are raised or if the notice is in violation of the statutory provisions in force. Even in case of raising an allegation of malafides, the authorities against whom such an allegation is raised is to be impleaded as party respondent in the writ petition in his personal capacity. In the absence of any such legal grounds no writ can be entertained against a show cause notice.

5. The learned counsel for the petitioner states that the petitioner is not responsible for any of the allegations set out in the show cause notice.

6.However, it is open to the writ petitioner to submit his explanations /objections to the authority concerned for consideration. Contrarily, he cannot rush to this court challenging the show cause notice with a contention that he is not liable to pay any amount to the respondents. The merits and demerits of the case can never be adjudicated in a writ petition filed challenging the show cause notice. The merits, demerits and factual aspects of the notice has to be adjudicated only by the competent authorities after submission of the reply/objection by the person against whom such show cause notice has been issued.

6. This being the legal principles to be followed, it is left open to the writ petitioner to submit his explanations/submissions to the competent authorities in response to the show cause notice and on receipt of the same, all further proceedings shall be continued and the issues are to be decided on merits and in accordance with law.

7. In view of the above fact, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
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 4. The Special Tahsildar,
Tamil Nadu Cable TV Corporation Ltd.,
Thiruvavur District.
- +1 CC to Mr. R. Thiagarajan, Advocate sr 40306.
+1 CC to Mr. S. Gunasekaran, Advocate sr 39889.
+1 CC to The Govt. Pleader sr 40374.

W.P.No.15251 of 2018

GSP (05/07/2018)