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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.10770 of 2020

&

W.M.P.No.13087 & 13088 of 2020

K.Narayanan

... Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Personal Assistant,
(To District Collector),
Tiruvannamalai District,
Tiruvannamalai.

3.The Revenue Divisional Officer,
Kalasappakkam Taluk,
Kalasappakkam,
Tiruvannamalai District.

4.The Block Development Officer,
Kalasappakkam Taluk,
Kalasappakkam,
Tiruvannamalai District.

5.The Tasildhar,
Kalasappakkam Taluk,
Tiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the impugned show cause notice in Na.Ka.u.No.A4/182/2020 dated 06.07.2020 on the file of the 4th respondent and quash the same.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.R.A.S.Senthivel, AGP

(for R.1 to R.3)

Mr.J.Ramesh, AGP

(for R.4 & R5)



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ORDER

The matter is taken up through web hearing.

2.This writ petition is filed with the following prayer;
"to call for the records of the impugned show cause notice in Na.Ka.u.No.A4/182/2020 dated 06.07.2020 on the file of the 4th respondent and quash the same."

3.In this Writ Petition, the petitioner is challenging the show cause notice issued on 06.07.2020, alleging certain acts of misconduct on his part in the course of his performance as Village Clerk. According to the petitioner, the show cause notice was issued only as an act of retaliation for approaching this Court challenging the order of transfer in WP No.8592 of 2020 and this Court had also passed an order of status quo. Thereafter, the interim order was communicated with great difficulty to the authority for its implementation. The present show cause notice, according to the learned counsel for the petitioner, is the result of vindictive action on the part of the authority in order to punish the petitioner for having approached this Court and obtained interim orders.

4.According to the learned counsel, the charges as contained in the show cause notice, are extremely vague and completely without any basis. In fact, in the affidavit extensive explanation had been offered as to how the charges were without any basis and therefore, the learned counsel would submit that the show cause notice is issued for a mala fide consideration and the same cannot be sustainable.

5.This Court is unable to appreciate as to how the factual explanation of the petitioner can be a basis for interfering with the show cause notice. This Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot enter into the realm of facts and appreciate the explanation of the petitioner in his favour and interfere with the show cause notice. No court can act upon the self-serving averments of the petitioner and interfere with the show cause notice. It is always open to the petitioner to submit his explanation and in case, the authority passes any adverse order unjustly and arbitrarily, then the petitioner can have a recourse to the appropriate legal remedy, if he so advised.

6.At this, the learned counsel for the petitioner submitted that the Authority may be directed to pass final orders within



the time to be stipulated by this Court, so that the so called charges need not be kept pending for indefinite period of time and the learned counsel also submitted that the petitioner would submit his explanation immediately to the show cause notice.

7. On notice, Mr. R.A.S. Senthivel, learned Additional Government Pleader entered appearance for R1 to R3 and Mr. J. Ramesh, learned Additional Government Pleader, entered appearance for R4 and R4, through video conference and he would submit that a direction to pass final orders by the Authority, who issued the show cause notice, may be issued and for such course of action, he would have no objection.

8. Considering the above submission, though this Court is not inclined to entertain the Writ Petition against a show cause notice, but however inclined to pass a direction as under:

The petitioner is directed to submit his explanation to the show cause notice impugned in the writ petition, within a period of one week from the date of receipt of copy of this order. The fourth respondent or any other competent authority is directed to consider the explanation of the petitioner and pass final orders on merits and in accordance with law within a period of four weeks thereafter.

9. The writ petition stands disposed of as above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

mrm
To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Personal Assistant,
(To District Collector),
Tiruvannamalai District,
Tiruvannamalai.
3. The Revenue Divisional Officer,
Kalasappakkam Taluk,
Kalasappakkam,
Tiruvannamalai District.



4.The Block Development Officer,
Kalasappakkam Taluk,
Kalasappakkam,
Tiruvannamalai District.

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5.The Tasildhar,
Kalasappakkam Taluk,
Tiruvannamalai District.

+1 cc to M/s.R.Rajarajan, Advocate Sr.No. 26956

W.P.No.10770 of 2020

PP (CO)
RMP (15/09/2020)