



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.1146 of 2019

and

W.M.P. (MD) .No.968 of 2019

WEB COPY

K.Sakunthala

... Petitioner

Vs

The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.2324/2017/F1-5, dated 08.01.2019, which are contrary to law illegal and arbitrary and malafide baseless and quash the same.

For Petitioner : Mr.V.Sasi Kumar
For Respondent : Mr.K.Mahendran
Standing Counsel

ORDER

This writ petition has been filed challenging a show cause notice issued by the respondent on 08.01.2019. The petitioner has also sent a reply on 12.01.2019 to the said show cause notice. Even before waiting for the final orders, the petitioner has approached this Court by filing this Writ Petition.

2.Heard Mr.V.Sasi Kumar, learned counsel appearing for the petitioner and Mr.K.Mahendran, learned Standing counsel, appearing for the respondent.

3.It is settled law that unless and until the show cause notice has been issued without jurisdiction, the same cannot be challenged in a Writ Petition. In the case on hand, admittedly, the respondent has jurisdiction to issue the show-cause notice. This being the case, there is no merit in this Writ Petition. However, a direction will have to be given to the respondent to pass final orders on the impugned show cause notice dated 08.01.2019 after giving due consideration to the contentions raised in the reply dated 12.01.2019 sent by the petitioner on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



4. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO
The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.

+1 CC to M/s.V. SASIKUMAR, Advocate (SR-19708[F] dated 12/10/2020)

W.P. (MD)No.1146 of 2019

08.10.2020

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SSS (CO)

KK(16.10.2020) 2P 3C