



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 16857 of 2018 and

W.M.P. (MD) No. 14891 of 2018

R. Rajakeerthana

... Petitioner

Vs.

1. The Regional Transport Authority,
Dindigul District,
Dindigul.

2. The Secretary,
Regional Transport Authority,
Regional Transport Office,
Dindigul, Dindigul District.

3. V.R. Rajangam

4. R. Vani
(R-4 is impleaded vide order dated 21.07.2020
in W.M.P. (MD) No. 15714 of 2018)

5. C. Ravi
(R-5 is impleaded vide order dated 21.07.2020
in W.M.P. (MD) No. 17543 of 2019)

6. S. Seeman
(R-6 is impleaded vide order dated 21.07.2020
in W.M.P. (MD) No. 18153 of 2019) ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned hearing notice issued by the second respondent vide his proceedings in Memorandum No. 1727-A3-2017, dated 17.07.2018 and quash the same as illegal.

For Petitioner : Mr. A.C. Asaithambi

For R-1 & R-2 : Mrs. S. Srimathy,
Special Government Pleader.

For R-3 : Mr. R. Murali

For R-4 : Mr. G. Prabhu Rajadurai

For R-5 : Mr. T.K. Gopalan



For R-6

: Mr.V.Palani

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ORDER

Heard the learned counsel on either side.

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2. The learned counsel appearing for the petitioner submitted that he wants an adjournment as the petitioner has taken back the papers for the purpose of engaging senior counsel. The writ petition was listed before me on 21.07.2020 and it was adjourned to 13.08.2020. When the matter was taken up on 14.08.2020, it was adjourned to 28.08.2020. The case reached on 04.09.2020 and it was directed to be called on 08.09.2020. The case reached only today (14.09.2020) and the learned counsel appearing for the petitioner made the aforesaid request. The petitioner's request is strongly opposed by the learned counsel appearing for the respondents. The learned counsel appearing for the respondents pointed out that the petitioner is enjoying interim order and therefore, she cannot maintain such a request for dragging on the proceedings.

3. I find that what is under challenge is only a notice dated 17.07.2018 calling upon the parties to appear before the Regional Transport Authority. The impugned order by itself does not affect the rights of the writ petitioner. The petitioner can very well appear before the first respondent and place all the materials in support of her contention. The petitioner can raise all the contentions available to her in law. In as much as the impugned communication by itself does not infringe the petitioner's right, the writ petition will not lie.

4. The Hon'ble Supreme Court in Union of India and another Vs. Kunisetty Satyanarayana ((2006) 12 SCC 28) pointed out that ordinarily no writ lies against the show cause notice. A mere show cause notice does not give rise to any cause of action because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It was further held that the writ jurisdiction is discretionary and such discretion under Article 226 of the Constitution of India should not ordinarily be exercised by quashing the show cause notice.

5. Of course under exceptional circumstances intervention is possible. But such circumstances are absent in this case. In fact the learned counsel appearing for the respondents by relying on the decision in the previous round reported in (2006) 4 CTC 54 (C.Sathish V. V.R.Rajangam) argued that the very filing of this writ petition is an abuse of legal process. I refrain from entering into such controversy.

6. Leaving open all the contentions of the petitioner, this



writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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:

1. The Regional Transport Authority,
Dindigul District,
Dindigul.
2. The Secretary,
Regional Transport Authority,
Regional Transport Office,
Dindigul, Dindigul District.
3. The Special Government Pleader,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-17170[F] dated 16/09/2020)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-16815[F] dated 15/09/2020)

W.P. (MD) No.16857 of 2018
14.09.2020

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VR (CO)

KK(29.09.2020) 3P 6C