



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20950 of 2014
and M.P.Nos.1 and 2 of of 2014

M/s.Thriveni Earth Movers Pvt. Ltd.,
Rep. by its Director B.Karthikeyan
No.22/10, Green Ways Road,
Fair lands, Salem-636 016.

..Petitioner

..Vs..

The Sub-Collector,
Office of the Sub-Collector,
Hosur,Krishnagiri District.

..Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the respondent's letter of personal hearing bearing Na.Ka.3012/2014/B2, dated 23.07.2014, quash the same.

For Petitioner : Mr.K.Ramakrishna Reddy

For Respondent : Mr. C.Selvaraj
Additional Government Pleader

O R D E R

The show cause notice dated 23.07.2014 calling upon the petitioner to appear for an enquiry is under challenge in the present writ petition.

2.The petitioner is a Company dealing with quarrying and marketing of both major and minor minerals. The petitioner is owning and operating coal mines in Indonesia and also executing mineral exploration contracts in Mozambique through its subsidiary companies. The petitioner raises several factual circumstances and the grounds stating that the notice itself is untenable. However, all such grounds are to be adjudicated before the competent authorities on merits and in accordance with law.

3.No writ against the show cause notice is entertainable in a routine manner. A writ against the show cause notice may be entertained by the High Court only if such show cause notice has been issued by an incompetent authority having no jurisdiction or an allegation of malafides are reached. Even in case of



raising an allegation of malafides, the authority against whom such an allegation is raised must be impleaded as party respondent in his personal capacity. In all other circumstances, the show cause notice must be responded by the noticee by submitting their explanations/objections along with the documents enabling the authorities to consider the same and take a decision on merits. This being the procedures to be followed.

4.The point of merits on facts deserves no adjudication in a writ proceedings under Article 226 of the Constitution of India as High Court cannot conduct such an enquiry in an elaborate manner, which is to be done with reference to the original documents and evidences and some times through oral evidences.

5.The learned counsel for the petitioner also fair enough to submit that time may be granted for the petitioner to submit the explanation enabling the petitioner to defend their case. This being the submission made, this Court is inclined to pass the following orders:-

(i) the relief sought for in the present writ petition stands rejected;

(ii) the writ petitioner is permitted to submit explanations/objections along with the documents if any, within a period of 30 days from the date of receipt of a copy of this order and thereafter the respondent is directed to proceed with the enquiry on merits and in accordance with law and pass orders as expeditiously as possible.

6.The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs
To
The Sub-Collector,
Office of the Sub-Collector,
Hosur, Krishnagiri District.

+1cc to Mr.K.Ramakrishna Reddy, Advocate, S.R.No.61400
+1cc to the Government Pleader, S.R.No.61559

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M.P.Nos.1 and 2 of 2014

SVI (CO)
RGA(02/12/2021)