



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P(MD)No.4798 of 2021

And W.M.P(MD)No.3925 of 2021

WEB COPY

G.Mallika

...Petitioner

Vs

1. The District Collector and
Inspector of Panchayats,
Thoothukudi District,
Thoothukudi.
2. The Block Development Officer,
Thoothukudi.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorari to call for the records of the impugned show cause notice No.PA5/887/2021, dated 16.02.2021 addressed to the petitioner on the file of the 1st respondent and quash the same.

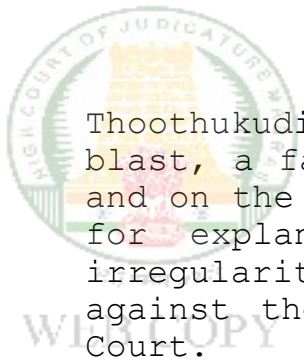
For Petitioner	:	Mr.G.Prabhu Rajadurai
For respondent No.1	:	Mr.M.Jeyakumar, Additional Government Pleader
For Respondent No.2	:	Mr.S.Dhayalan

ORDER

The case of the petitioner is that he is the elected President of the Varthagarettipatti falling within the jurisdiction of the Thoothukudi panchayat union. According to him that he has been functioning as President since 2019. He belongs to the Adi Dravidar Community. The Vice President and other members of the panchayat union belong to different community and due to the difference in their communal background, the other members of the panchayat union had been inimical towards the petitioner.

2.According to the petitioner, the other members of the petitioner panchayat union have been indirectly humiliating the petitioner in various other ways on the basis of his communal background and a complaint was also preferred to the first respondent but the same was not looked into by the first respondent District Collector.

3.Despite the complaint preferred before the first respondent, which complaint had not evoked any response, the petitioner, filed a complaint before the Tahattaprai Police Station



Thoothukudi in FIR No.15 of 21, dated 27.01.2021. As a counter blast, a false complaint was registered before the first respondent and on the basis of which complaint, the first respondent has called for explanation from the petitioner on 16.02.2021 on various irregularities said to have been committed by the petitioner. As against the said show cause notice the petitioner is before this Court.

4.Mr.G.Prabhu Rajadurai, learned Counsel for the petitioner would submit that the first respondent has no jurisdiction to issue the show cause notice and therefore, the writ petition has been filed questioning his action directing the petitioner to submit his explanation to the show cause notice. The learned Counsel also attempted to argue the matter in detail on merits by giving a detailed explanation as to the charges framed against the petitioner to impress upon this Court that the charges are baseless and unfounded

5.This Court is not inclined to go into the correctness of the charges as it would involve investigation of factual controversies of competent claims. As regards the jurisdiction issue, whether the Collector is the authority to issue the impugned show cause notice or not? this Court is of the view that it is always open to the petitioner to raise his objections as to the maintainability of the proceedings before the first respondent himself along with other objections that are open to the petitioner to raise in support of his defence. But at the same time, it is not open to the petitioner to rush to this Court at this stage and seek to challenge the show cause notice.

6.It is needless to mention that when a show cause notice is issued, it is for the petitioner to go before the authority and submit his explanation and only thereupon, it is open to him to challenge any adverse order passed by the authority concerned and only on such event, there may be proper cause of action seeking judicial remedy. But it is not at this stage the petitioner can seek to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

7.In view of the above reasons, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitioner is also dismissed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Inspector of Panchayats,
Thoothukudi District,
Thoothukudi.
2. The Block Development Officer,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-10216[F] dated 10/03/2021)

W.P (MD) No. 4798 of 2021
09.03.2021

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TR(30.03.2021) 3P 4C