



WEB COPY

W.P.No.34419 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.34419 of 2022

Sy.S.Fancis Louis Rayan

... Petitioner

Versus

1.The Commissioner,
Commissionerate for the Welfare of the Differently Abled,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai – 600 005.

2.The District Collector,
Dharmapuri,
Dharmapuri District.

3.The District Differently Abled Welfare Officer,
Dharmapuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records order passed by the 3rd respondent in vide impugned order Na.Ka.No.1730/Pe.Pa./2022 dated 14.11.2022 and quash the same and consequently direct the 3rd respondent to return the registers seized from Mercy Home.



For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.T.Seenivasan,
Special Government Pleader

ORDER

The Writ Petition has been filed ostensibly in the nature of Certiorarified Mandamus, not against any order passed by the 3rd respondent but against a Show Cause Notice issued to the petitioner herein.

2. The law is very clear that as against a Show Cause Notice, the Court cannot sit as an advocate for the petitioner to examine whether the petitioner should reply or should not reply to the Show Cause Notice.

3. If the petitioner wants, he can reply to the same. If he does not want, he need not reply. But, at any rate, if he replies, based on the explanations given, there is an obligation on the authority who issued the Show Cause Notice to pass an order.

4. That order can be challenged, if there is an Appellate Authority, before the Appellate Authority or in any other manner as provided by



law. But at the preliminary stage of issuance of Show Cause Notice, interference by the Court is not encouraged.

5. The petitioner is directed to reply to the Show Cause Notice. If time period is over, the petitioner should reply to the same on or before 05.01.2023. Thereafter, let the matter proceed in manner known to law.

6. In view of the above reasoning, the Writ Petition stands dismissed. No costs.

23.12.2022
(1/2)

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Index : Yes/No

Internet : Yes/No

To:

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C. V. KARTHIKEYAN, J.

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