



WEB COPY



W.P.No.13101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13101 of 2023

and

W.M.P.Nos.12866 & 12867 of 2023

Muthulingam

...Petitioner

-Vs-

1. The District Registrar,
District Registrar Office,
Kallakurichi & District.

2.Mohamed Yasin

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to call for the records pertaining to the impugned show cause notice dated 14.12.2022 in ref No. Na.Ka.No. 4936 / A1 / 2022 issued by the 1st respondent and follow - up proceedings and consequently quash the same and pass such further or other orders as this Hon'ble Court may deem fit in the circumstances of the case.

For Petitioner : Mr.V.Gunasekar

For Respondents :
(for R1) : Mr.T.Arun Kumar, AGP



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ORDER

The show cause notice dated 14.12.2022 is under challenge in the present writ petition. The show cause notice was issued on 14.12.2022 and the learned counsel for the petitioner states that the petitioner submitted his explanation of the show cause notice to the District Registrar. However, no final order has been passed.

2.This being the factum now established, the petitioner has not made out any cause for the purpose of entertaining any writ petition. Once an explanation is submitted, the competent authority has to consider the explanation and materials available on records and pass final orders on merits. Since no final order has been passed as per the petitioner, the writ petition filed cannot be entertained.

3.No writ against a show cause notice is entertainable in a routine manner. A writ against a show cause notice can be maintained only if it is issued by an incompetent authority having no jurisdiction or an allegation of mala fides are raised. Even in the case of allegations of mala fides, the authorities against whom such allegations are raised have to be impleaded



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as parties / respondents in their personal capacity. In all other circumstances, the person who received the show cause notice is expected to submit his explanation along with the documents if any and defend his case by availing the opportunities being provided by the competent authority.

4.This being the procedures to be followed, in the present case the petitioner has already submitted an explanation and therefore, the District Registrar of Kallakurichi shall proceed with the inquiry and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

5.Accordingly, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

The District Registrar,
District Registrar Office,
Kallakurichi & District.

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