



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No. 25218 of 2024
and
W.M.P.(MD)No.21419 of 2024

S.Sudhakar

...Petitioner

-VS-

1.The District Collector,
District Collector Office,
Thoothukudi District.

2.The Commissioner,
Thoothukudi Municipal Corporation,
No.113, Palai Road,
Thoothukudi-628 002.

3.The Health Officer,
West Zone,
Thoothukudi Municipal Corporation,
Thoothukudi-628 002.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, calling for the records pertaining to the impugned notice issued by the third respondent dated 14.09.2024 and quash the same as illegal.



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W.P.(MD) No.25218 of 2024



For Petitioner : Mr.S.Vishnuvardhan
For R1 : Mr.A.Kannan
Additional Government Pleader

ORDER

Mr.A.Kannan, learned Additional Government Pleader, takes notice for the first respondent. Considering the nature of the order proposed to be passed in this writ petition, notice to the respondents 2 & 3 is dispensed with.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.Challenging the show cause notice issued by the third respondent seeking explanation from the petitioner for selling the banned plastic things, the petitioner has filed this writ petition.

4.Considering the facts and circumstances of the case, this Court is of the view that as a matter of right, the writ petition challenging the show cause notice cannot be maintained. The very allegation levelled against the petitioner is that he has sold the banned plastic items, which has been seized by the third respondent. Hence, the show cause notice



was issued by the third respondent seeking explanation for such sale. It is for the petitioner to give his explanation with regard to the said allegation. Without giving such explanation, the show cause notice is itself cannot be challenged by the petitioner.

5.In view of the above, the petitioner is directed to submit his explanation to the show cause notice issued by the third respondent forthwith. On such submission, the authorities concerned are directed to consider the same and pass appropriate orders within a period of one week from the date of receipt of the explanation.

6.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

Index : Yes / No
Internet : Yes / No
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To

The District Collector,
District Collector Office,
Thoothukudi District.

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N.SATHISH KUMAR, J.

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