Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP Crl. No. 2898 of 2026

CNR: {HCMA012604862026}

1.Sundaram
S/o. Kandasamy,
D.No.2/98(2), Morapur road,
Karimangalam,
Dharm, Apuri.
2.Manjula
W/o.Sundaram,
D.No.2/98(2), Morapur road,
Karimangalam,
Dharm, Apuri.

3.Sudharson
S/o.Sundaram,
D.No.2/98(2), Morapur road,
Karimangalam,
Dharm, Apuri.

4.Rajasekaran
S/o. Porappa Gounder,
D.No.B85, Sipcot Hosing Colonu,
Dharga,
Hosur.

5.Latha
W/o Rajasekaran,
D.No.B85, Sipcot Hosing Colonu,
Dharga,
Hosur.

..Petitioner(s)

Vs

1.The Sub Divisional Executive Magistrate Sub Collector
Hosur.
2.The Inspector of Police
Nallur Police Station,

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Hosur.

..Respondent(s)

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To issue a Writ of Certiorari calling for the records pertaining to the impugned summons bearing Va.No.02/2026/B4 dated 08.09.2026 issued by the 1st Respondent (Sub-Divisional Executive Magistrate/Sub-Collector, Hosur) under Section 130 of Bharatiya Nagarik Suraksha Sanhita, 2023 and quash the same and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of the case and thus render Justice.

For Petitioner(s): Mr.R.Marudhachalamurthy

For Respondent(s): Mr.B.Prashanth Nadaraj for R1
Mr.Arun Anbumani,
Addl.Public Prosecutor for R2

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Heard Mr.R.Marudhachalamurthy for the petitioner, Mr.B.Prashanth Nadaraj for respondent 1 and Mr.Arun Anbumani, learned Additional Public Prosecutor for respondent 2.

2. The impugned proceeding is a summon issued under Section 130 of the BNSS by the first respondent. It is the plea of Mr. R.Marudhachalamurthy that this summons is not in connection with Section 130 of the BNSS for the following reasons:

(i) It has not disclosed the reasons for invoking Section 126 of BNSS..

(ii) Details as required under Section 130 have not been specified.

Hence, he states that the writ petition seeks to be admitted and interim order be

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granted.

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3. It is the plea of Mr.B.Prashanth Nadaraj and Mr.Arun Anbumani that on account of registration of LIR No.20 of 2026 by the second respondent, the first respondent was constrained to initiate the proceedings. Referring to the show cause notice, they point out that both 'A' and 'B' parties are trustees of Green Valley Trust and are running the educational institution under the name and style of "Green Valley School". Due to the disputes that have arisen between them, it is clear that the public order will be affected in the area. They state that these facts have been disclosed in the show cause notice itself.

4. In response, Mr.Marudhachalamurthy refers to the following judgments.

(i) *M.Krishnamurthy and 3 others v. The Sub Divisional Magistrate cum Revenue Divisional Officer and another, Crl.O.P. No.17684 of 2015, dated 24.01.2017;*

(ii) Chitti Babu vs. The Divisional Executive Magistrate and Sub Collector and another, W.P(MD) No.9101 of 2022 dated 28.06.2022 and

(iii) Farhan Nasir Khan v. State of Maharashtra and another, 2019 SCC OnLine Bom 1777.

5. I have carefully considered the submissions of both sides. I have gone through the records.

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6. What is impugned before me is only summons. The grounds on which summons can be challenged are on the grounds of jurisdiction or on the ground that it violates the provision which enables the authority to issue the notice. I need not reinvent the wheel as the Division Bench of this Court in M.Krishnamurthy's case (cited supra) has concluded the circumstances under which a writ or an application under Section 482 of Cr.P.C. or Section 528 of BNSS is tenable. The same is extracted hereunder:

> "*19. In our view, a show cause notice under Section 107 r/w. 111 can be subjected to judicial review under Section 482 Cr.P.C. or Article 226 of the Constitution of India, if on the face of it, the order does not satisfy the minimum requirements of Section 111 or that the same has been passed by a person who is not an Executive Magistrate and not otherwise. In other words, if the order does not contain the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required, only then, can the High Court interfere and not otherwise. Factual adjudication of the satisfaction expressed by the Magistrate is ruled out in view of the decision of the Supreme Court in* ***Vicco Laboratories*** *(supra)."*

7. It is exactly that this view that has been reflected in the other two orders. By applying this principle laid down by the Division Bench to the facts of this case, I have to conclude that there is no dispute that the first respondent has jurisdiction to issue the summons. Insofar as the plea that the notice is bald

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is concerned, I am not in a position to agree with Mr.Maruthachalamurthy. This is for the simple reason that the summons itself states that on account of disputes that have arisen between 'A' and 'B' parties with respect to the Green Valley Trust and Green Valley School, it has given rise to an apprehension that public order will be affected. If anything more is stated in the show cause notice, I am sure that Mr.Marudhachalamoorthy would have been the first one to jump up and plead that the first respondent has already concluded the matter and nothing further remains to be considered. A show cause notice must only reflect the fair satisfaction of the authority while he issues the notice. The impugned notice satisfies the said requirement.

8. The additional plea is that the show cause notice does not specify the number of sureties that is required for executing a bond under Section 130 of BNSS. Whether surety is required or not is subject to satisfaction of the first respondent. In his wisdom, the first respondent has concluded that no sureties are necessary for the dispute that has arisen between 'A' and 'B' parties. This Court cannot dictate that at all points of time, the authority exercising the power under Section 130 should insist on sureties. In fact, the discretion is granted to the authority under Section 130 to decide whether sureties are necessary or not. Furthermore, the petitioner had appeared in obedience to the summons and had sought time.

9. That being the situation, I am not inclined to entertain the writ petition. The writ petition is dismissed. The dismissal of the writ petition should not be

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construed by the first respondent to the effect that he need not give the base materials on which he relied upon before issuance of the show cause notice. He shall issue all the documents on the basis of which he was constrained to initiate the proceedings to 'A' and 'B' parties. He shall conduct an enquiry and thereafter, come to a conclusion. The order must be supported by reasons. Principles of natural justice will have to be strictly adhered to.

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Index: Yes/No

KAL

To

1.The Sub Divisional Executive Magistrate Sub Collector
Hosur.

2.The Inspector of Police
Nallur Police Station,
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V.LAKSHMINARAYANAN, J.

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