



CWP-15193-2026 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-15193-2026 (O&M)

Date of decision: 15.05.2026

Rajvinder Kaur

....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Prabhdeep Singh Dhaliwal, Advocate
for the petitioner.

HARSH BUNGER J. (Oral)

1. Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for quashing the notice/letter dated 30.04.2026 (Annexure P-2) issued by respondent No.3 – District Development and Panchayat Officer, District Patiala.

2. At this stage, Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab, appears on behalf of respondent(s)-State, in pursuance of the advance copy of paper book having already been supplied to him and has raised a preliminary objection as regards the maintainability of the writ petition against the notice/letter dated 30.04.2026 (Annexure P-2), by placing reliance on the judgment rendered by the Hon'ble Supreme Court in the case titled as "*Special Director and Anr. v. Mohd. Ghulam Ghouse and Anr.*", (2004) 3 SCC 440, wherein it was held that no writ petition is maintainable against the notice.

3. I have heard the learned counsel for the respective parties and perused the paperbook.



4. In “*Executive Engineer Bihar State Housing Board v. Ramesh Kumar Singh and others*”, (1996) 1 SCC 327, the Hon'ble Supreme Court held that for entertaining a writ petition under Article 226 against a show-cause notice, it should be shown that the authority had no power or jurisdiction to enter upon the enquiry in question. In all other cases, it is only appropriate that the party should avail of the alternate remedy and show cause against the same before the authority concerned and take up the objection regarding jurisdiction also, then in the event of an adverse decision, it will certainly be open to him to assail the same either in appeal or revision, as the case may be, or in appropriate cases, by invoking the jurisdiction under Article 226.

4.1 In “*Special Director and Anr. v. Mohd. Ghulam Ghouse and Anr.*”, (2004) 3 SCC 440, the Hon'ble Supreme Court while considering the question of maintainability to the writ petition under Article 226 of the Constitution of India against the show-cause notice held that writ petition against the show-cause notice issued by Statutory functionaries for violation of the provisions of relevant Acts (in that case FERA and FEMA), is not maintainable unless the Court is satisfied of the nullity of the show-cause notice for want of jurisdiction of the authority concerned to even investigate the facts. The writ petition challenging the show-cause notice should not be entertained as a matter of routine. The writ petitioner should rather be directed to respond to the notice. Whether the notice was founded on any legal premises is a jurisdictional issue and can be initially adjudicated by the authority issuing the notice.



4.2 In “*Union of India and another v. Kunisetty Satyanarayana*”,
2007 AIR SCW 607, the Hon'ble Supreme Court held as under:-

"Ordinarily, no writ lies against a charge sheet or show-cause notice. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said, to have any grievance. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal."

5. Keeping in view the above, the instant writ petition is dismissed, however, leaving it open to the petitioner to avail her other remedies, in accordance with law.

6. All pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

15.05.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No