

**Section 80- (1) No suit shall be instituted against the government or any public officer in respect of any act purporting to be done by such officer in official capacity.-**

**Until the expiration of two months next after notice in writing has been left at the office of.**

**(a) In case of a suit against Central Govt.- Secretary of Central Govt.**

**(b) In case of a suit against railway G.M. of Railway.**

**(c) In case of a suit against State Govt. - Chief Secretary of S. Govt.**

**(d) In case of a suit against any other state government a Secretary of Govt. or Collector of District.**

## **Contents of written notice-**

- (a) Cause of action,**
- (b) Name, discription and place of residence of plaintiff,**
- (c) Relief, which plaintiff claim.**
- (d) Plaint shall content a statement that such notice has been so delivered or left.**

**(2) A suit of urgent and immediate relief against Govt. or public officer may be instituted without serving any notice- with the leave of the court, but court shall not grant relief (interim or otherwise) in the suit against the government or public officer without giving reasonable opportunity of showing cause in respect of relief.**

**Provided that court shall if it be satisfied after hearing the parties that no urgent or immediatly relief need to be granted in the suit return the plaint for presentation after complying the requirement of sub section (1).**

**(3) No suit instituted against the Govt. or public officer- in official capacity shall be dismissed merely by the reason of any error or defect in notice if in notice.**

**(i) Name, discription, residence of plaintiff given in the notice enable the authority-to identify plaintiff.**

**(ii) Cause of action & Relief claim had been substantially indicated.**

Minucipality v/s GAIL & Ors 12 May 2005-  
Section 80(2) C.P.C.

**While considering the application u/s 80(2) C.P.C., plaintiff must plead and prove that suit is filed to obtain urgent & immediate relief against the Government or any public officer in respect of any act purporting to be done by such public officer in his official capacity suit can be instituted with the leave of the court. - URGENCY and immediate Relief.**

**Govt. of Kerla & others v/s Sudhir Kumar  
Sharma & others, 2 Sep. 2013      Apex**

**Honble Supreme Court held “we therefore come to the conclusion that mere filing of application u/s 80(2) of C.P.C. would not mean that said application was granted by the trial court. Such a Presumption is not accepted. Court is supposed to give hearing to both the sides and consider the nature of suit and urgency of the matter before taking a final decision.”**

**Bihari Choudhary & Ans v/s State of Bihar & ors 26 March 1984**

**Honble Supreme Court held “when we examine the scheme of the section it becomes obvious that section has been enacted as a measure of public policy with the object of ensuring to give an opportunity to scrutinise the claim and there by avoide unnecessary litigation and save public time & money without drivey the person.**

**Section 80 is express, explicit and mandatory and it admits no implication or exceptions.”**