

**Instructions for dealing with notices under
Section 80 of the Code of Civil Procedure, 1908.**

Government of Maharashtra
Law and Judiciary Department
Government Circular No.242-2025/E
Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai- 400032.
Date: 23/02/2026

Circular:

The Hon'ble Supreme Court vide Judgment dated 24/03/2025 passed in Civil Appeal No. 4311 of 2025 (Yerikala Sunkalamma and Anr Vs. State of A.P. and Ors) has expressed serious concern over the declining efficacy of notices under Section 80 of the Code of Civil Procedure, 1908 (CPC), observing that such notices have been reduced to mere formalities due to the indifferent attitude of the Government and public authorities. The Hon'ble Court emphasized that a Section 80 notice is a valuable statutory opportunity for the State to examine the merits of a claim and resolve genuine grievances without compelling citizens to undergo avoidable litigation, and warned that failure to acknowledge or respond to such notices would invite adverse inference against the Government. Criticizing the lackadaisical approach of public authorities, the Hon'ble Court held that ignoring statutory notices weakens the State's defence and unnecessarily drags litigants into protracted legal proceedings. The Hon'ble Court extensively examined the scheme, object, rationale, and essential legal requirements of Section 80 CPC in paragraphs 93 to 114 of the judgment, and ultimately directed the Registry to circulate the judgment to all High Courts and Chief Secretaries of State Governments, with particular emphasis on strict compliance with the provisions relating to Section 80 of the CPC.

2. In the above context, all the administrative departments are informed that, the required institutional mechanism and procedure is already in place, in the form of Rule 32 of the Rules for the Conduct of Legal Affairs of the Government, 1984. The said provision contemplates the procedure for dealing with the notices received by the Government under Section 80 of the CPC. Rule 32 is reproduced herein below for ready reference:

“32. Procedure for defence of suits on behalf of State or its officers-

(1) Notice of suit.-Where a notice of a suit against the State, under section 80 of the Code of Civil Procedure, is received by the Secretary to Government or the Collector concerned, he shall forward the same within 7 days to the officer principally concerned with or conversant with the matter in respect of which the suit is threatened. He shall also send within 7 days one copy of notice to the Remembrancer of Legal Affairs or the Joint Secretary or the Deputy Secretary to Government, Law and Judiciary Department at Nagpur or Aurangabad, as the case may be, and another copy to Government in the administrative department concerned. If any Government officer receives such notice of threatened suit against him in respect of any act done or purporting to be done by him in his official capacity, he shall also act in the same manner as stated above.

(2) Action to be taken when the threatened suit is indefensible.- (a) The Government officer to whom the notice is forwarded or served as stated in sub-rule (1) shall examine the claim made in the notice and ascertain the facts with reference to the relevant documents;

- (b) where the statements made in the notice are vague, he shall endeavour to obtain, within 7 days, if possible in writing, a clear statement of the grievance of the person who served such notice;
- (c) where upon a consideration of the relevant circumstances it appears to such Government officer that the act or conduct complained of by the notice-giver is wholly indefensible, he shall, within three weeks from the receipt of such notice, take action to redress the grievance or make a report to the proper authority to obtain such redress and take such other action in that behalf as may be required;
- (d) where it is doubtful whether or not, the act or conduct complained of is justifiable, and the doubt arises as to the real intention of Government in the administrative department or such authority in any order, the carrying out of which has occasioned the service of notice, he shall, within 7 days from the receipt of notice, refer the matter for orders to Government in the administrative department or such authority;
- (e) where the doubt is as to the legality of the act or conduct complained of, though it may have been done in pursuance of a rule or order issued by Government in the administrative department or the superior authority, the administrative department concerned shall send clear statement of the case, within 7 days, to the Remembrancer of Legal Affairs or the Joint Secretary or the Deputy Secretary to Government, Law and Judiciary Department at Nagpur or Aurangabad, as the case may be, for advice who in turn shall send his legal opinion to the administrative department concerned;
- (f) if as a result of the references under clauses (d) and (e), the Government officer concerned finds that the act or conduct complained of is indefensible he shall forthwith proceed to redress the grievance;
- (g) every endeavour shall be made by the Government officer concerned to have the matter disposed of within the statutory period of two months, from the delivery of notice, allowed by the Code of Civil Procedure before the threatened suit can be instituted. If it is not possible to redress the grievance of the notice-giver within a period of two months, due to some administrative difficulties, the Government officer concerned shall inform the notice-giver to wait for some time more after the expiry of the period of two months. The intimation, that the grievance of the notice-giver has been redressed, shall be given by the Government officer concerned to his head/administrative department concerned and also to the Remembrancer of Legal Affairs or the Joint Secretary or the Deputy Secretary to Government, Law and Judiciary Department at Nagpur or Aurangabad, as the case may be;
- (h) if any kind of lapses on the part of any Government officer concerned in dealing with the notice results in the prolonged litigation and avoidable loss to Government, the administrative department concerned should take a serious view of such lapses.

(3) Action to be taken where the threatened suit is defensible.-

- (a) If the Government officer concerned, to whom a notice of suit against the State is forwarded, is of the opinion that the suit is defensible, or any Government officer, who is served with a notice of suit in respect of an act done or purporting

to be undertake the defence of suit, shall collect, with the least practicable delay, all information regarding the facts of the case which he can procure;

(b) such officer shall forward, within three weeks from the receipt of notice, his parawise comments and other information together with copies of all the necessary documents to the administrative department concerned and inform it of the grounds on which it is proposed to defend the threatened suit. A copy of the grounds for defence of such suit shall also be sent to the Remembrancer of Legal Affairs or the Joint Secretary or the Deputy Secretary to Government, Law and Judiciary Department at Nagpur or Aurangabad, as the case may be;

(c) the Government officer concerned should also give a suitable reply, in consultation with the Government Pleader concerned, to the notice-giver before the suit is actually filed. Such action may sometimes result in avoiding unnecessary litigation.”

3. All the Departments of Mantralaya are hereby directed to ensure prompt and timely action in adherence and compliance of the above referred rule while dealing with notices received by it under section 80 of the Code of Civil Procedure, 1908.

4. All the departments to scrupulously follow the above instructions. Any deviation therefrom, shall be viewed seriously.

5. The aforesaid instructions shall also be brought to the notice of the allied offices/undertakings under the administrative control of the respective Department of Mantralaya.

6. This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 202602231200569212. This Circular has been signed digitally.

(Rajesh Aggarwal)
Chief Secretary
Government of Maharashtra

Copy for information and necessary action to:-

1. All Additional Chief Secretaries/Principal Secretaries/ Secretaries Maharashtra State, Mantralaya, Mumbai.
2. The Office of the Ld. Advocate General, Maharashtra State, Mumbai.
3. The Joint Secretary, Law and Judiciary Department ‘A’ Branch/‘E’ Branch/‘M’ Branch/Nagpur/Aurangabad.
4. The Law Officer to the Hon’ble Chief Secretary, Maharashtra State, Mantralaya, Mumbai.
5. The Nodal Officer of all Departments, Mantralaya, Mumbai.
6. The Government Advocate, Supreme Court, State of Maharashtra, New Maharashtra Sadan, Kasturba Gandhi Marg, New Delhi.
7. The Government Pleader, High Court of Judicature at Bombay, Original Side, Mumbai.
8. The Government Pleader, High Court of Judicature at Bombay, Appellate Side (Writ Cell), Mumbai.

9. The Government Pleader, High Court of Judicature at Bombay, Bench at Nagpur.
10. The Government Pleader, High Court of Judicature at Bombay, Bench at Aurangabad.
11. The Government Pleader, High Court of Judicature at Bombay, Circuit Bench at Kolhapur.
12. The Chief Presenting Officer, Maharashtra Administrative Tribunal, Mumbai.
13. The Chief Presenting Officer, Maharashtra Administrative Tribunal, Bench at Nagpur.
14. The Chief Presenting Officer, Maharashtra Administrative Tribunal, Bench at Aurangabad.