

# What is a legal notice?

April 8, 2023

**In news**– Recently Mithun Vijay Kumar sent a legal notice to streaming giant Netflix over an episode of The Big Bang Theory allegedly used a “derogatory term” against Bollywood actress Madhuri Dixit.

## What is a legal notice?

- A legal notice is a formal written communication between the parties where the sender notifies the recipient about his intention of undertaking legal proceedings against the latter.
- It helps in making the recipient party aware of the grievances of the sender.
- **Section 80 of the Code of Civil Procedure 1908 deals with the term “Notice”.**
- It says that except in the manner provided under subsection (2) of Section 80, no suits shall be instituted against the government or a public officer in respect of any act purporting to be done by him in an official capacity, until after two months have elapsed since the “notice in writing’ has been delivered to or left at the office of either the Secretary’s office or the office of the General Manager’s of a particular railway if it’s intended for the Central Government or railways respectively.
- However, it clarified that if a suit is against the J&K government, then the notice must be sent to its Chief Secretary or any other officer authorized by the government.
- Besides this, for suits filed against the state government, the notice should be sent to the State government’s Secretary or the Collector of a particular district.
- **The object of Section 80 is to provide the government**

**and public officers with an opportunity to reconsider the legal position and settle the claim** before going to trial, preferably without resorting to litigation.

- The intent behind carving this provision was to avoid unnecessary litigation and waste of the litigant and the court's time and money.
- It is also to provide ample opportunity to the opposing party to examine the claim made against them and to respond to it appropriately.
- **If the notice is intended for a public officer, it should be delivered to him or left at his office, stating the cause of action,** the name, description, and place of residence of the plaintiff, and the relief which he or she is claiming.
- Additionally, the plant also has to contain a statement that the notice has been delivered or left.
- **According to Section 80 (3), no suit instituted against the government or a public officer "in respect of any act purporting to be done by such public officer in his official capacity"** shall be dismissed merely because of any error or defect in the notice, provided that the notice has the name, description and the residence of the plaintiff so as "to enable the appropriate authority or the public officer to identify the person serving the notice" and that such notice had been delivered or left at the office of the appropriate authority.