

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.2785 of 2016

& WMP.Nos.2323 & 2324/2015

Ms. Vandana Tugnait

... Petitioner

Vs.

1. The Joint Director,
Directorate of Matriculation Schools,
DPI Campus, College Road, Chennai.

2. Ch. Venkateswaralu.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records comprised in the proceedings of the 1st respondent bearing Na.Ka.No. 4928/A3/2015 dated 12.01.2016 and quash the same.

For Petitioner : Mrs.Nalini Chidambaram

Senior Counsel for Mr. T.T. Ravichandran

For Respondent1: Mr.P.Sanjay Gandhi,

Addl. Government Advocate

O R D E R

The petitioner herein is a school. The impugned show cause notice dated 12.01.2016, has been issued in pursuance to the complaint said to have been given by the landlord, namely, the respondent No. 2 against the petitioner alleging that there is fundamental violation said to have been committed by the petitioner. As there was no action forthcoming, the respondent No. 2 had approached this Court by way of filing W.P. No. 11232 of 2015 and by order dated 18.11.2015, the same was disposed of in the following manner;

'The writ petition stands disposed of giving liberty to the petitioner to approach respondent Nos. 1 and 2 for appropriate action against respondent No. 5. As and when such a complaint is made by the petitioner, the respondent Nos. 1 and 2 as the case may be shall take appropriate action in accordance with law within a period of eight weeks

from the date of receipt of copy of this order after affording an opportunity to the petitioner as well as the respondent Nos. 3 to 5.'

2. In compliance of the order passed by this Court, the respondent No. 1 issued a notice to the petitioner to put forth its case. Challenging the said notice dated 12.01.2016, the present writ petition has been filed by the petitioner before this Court.

3. Heard the learned Senior counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent No. 1.

4. The learned Senior Counsel appearing for the petitioner submitted that the allegations made by the respondent No. 2 are not correct both on facts as well as on law.

5. This Court is afraid that it is a matter for consideration by the respondent No. 1. The earlier order dated 18.11.2015 was passed by this Court after hearing the petitioner as well as the respondent No. 2. Though it has been stated that the petitioner has filed a Review Petition against the said order dated 18.11.2015, the fact remains that the order dated 18.11.2015 is still in force as of now. Admittedly, the petitioner cannot be said to be an aggrieved person at this stage. There is no material available before this Court to hold lack of jurisdiction to the respondent No. 1. In any case, as stated earlier, by filing a reply to the notice the petitioner can very well put forth its case before the respondent No. 1 instead of approaching this Court.

6. Accordingly, the present writ petition is disposed of giving liberty to the petitioner to give its response to the respondent No.1 with regard to notice dated 12.01.2016, within a period of two weeks from the date of receipt of copy of this order.

7. The learned Additional Government Pleader submitted that the inquiry that was fixed for today would be postponed for further date. Accordingly, the respondent No. 1 is directed to intimate the next date of hearing, so as to enable the petitioner to attend the hearing and put forth its case. After the conclusion of the case hearing, within a period of two weeks as stated above, appropriate final order will have to be passed by the respondent No. 1 within a further period of four weeks thereafter. It is needless to stated that before passing a final order, the petitioner and the respondent No. 2 will have to be heard at length. It is further made clear that all the issues are left open for consideration by the respondent No. 1.

8. With the above directions, the present writ petition is disposed off. Consequently, connected miscellaneous petitions are closed. No costs.

sd/-
Assistant Registrar (Cs-V)

/TRUE COPY/

Sub-Assistant Registrar

rms

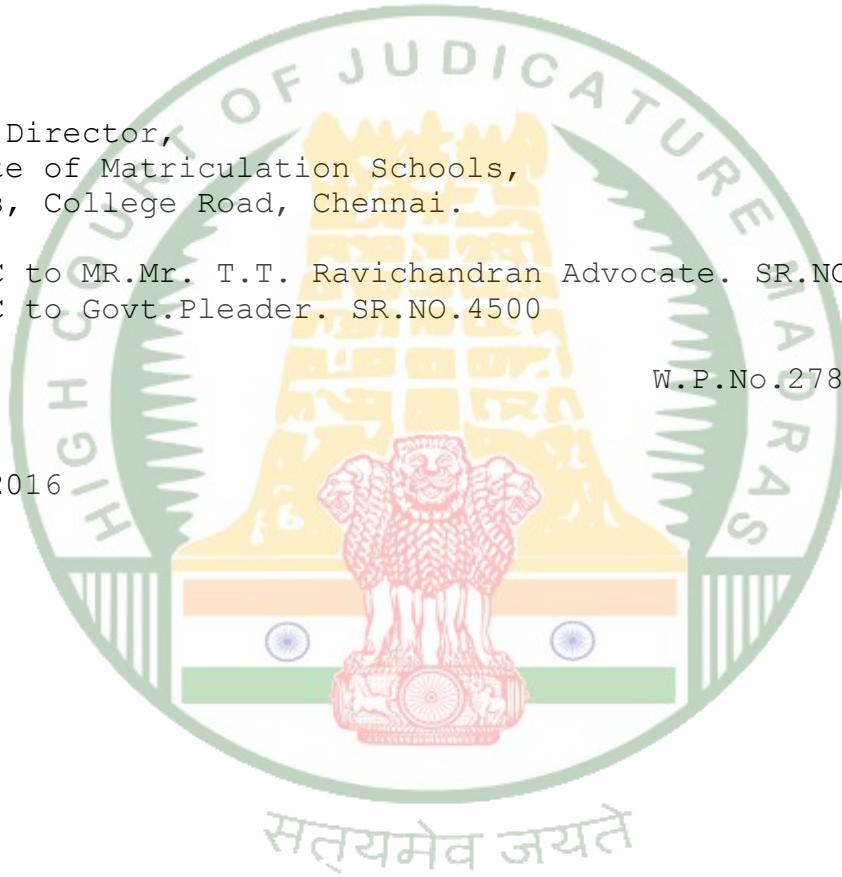
To

The Joint Director,
Directorate of Matriculation Schools,
DPI Campus, College Road, Chennai.

+1 CC to MR.Mr. T.T. Ravichandran Advocate. SR.NO.4610
+1 CC to Govt.Pleader. SR.NO.4500

W.P.No.2785 of 2016

CO-RSI
JD 29/01/2016



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