

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.27770 of 2017
and
WMP Nos.29756 and 29757 of 2017

E.Krishnan

.. Petitioner

Vs.

1.The Executive Officer,
Arulmigu Agasthesswarar Thirukoil
Nemilichery, Chennai-44.

2.The Commissioner,
H.R&C.E. Board,
Nungambakkam High Road,
Chennai-34.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus to call for the records of the first respondent notice dated 15.09.2017 quash the same and consequently direct the respondents to consider the petitioner representation dated 20.09.2017

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the writ petition is taken up for final disposal at the stage of admission.

2.This writ petition is filed challenging the proceedings of the first respondent dated 15.09.2017, which is though styled as notice, in effect, calling upon the petitioner to vacate the petitioner within 15 days from the date of notice.

3.Learned counsel appearing for the petitioner submitted that before issuing such impugned proceedings, the petitioner was not put on any notice and therefore, it violates the

principles of natural justice. However, he fairly submitted that the petitioner has also sent an explanation on 20.09.2017 and the said explanation has not yet been considered.

4.Perusal of the impugned order would show that before passing such order, no notice was issued to the petitioner. Therefore, the respondents are directed to treat the impugned proceedings as a show cause notice, for which, the petitioner has already given a reply on 20.09.2017. Accordingly, this writ petition is disposed of by directing the respondents to consider the reply given by the petitioner dated 20.09.2017 and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status quo as on today. It is made clear that this court is not expressing any view on the merits of the claim made by the petitioner, as it is for the respondents to consider and decide. No costs. The connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

vri

To

1.The Executive Officer,
Arulmigu Agasthesswarar Thirukoil
Nemilichery, Chennai-44.

2.The Commissioner,
H.R&C.E. Board,
Nungambakkam High Road,
Chennai-34.

+1 CC to Govt. Pleader sr 77496.

+1 CC to Mr.S.N. Subramani, Advocate sr 77520.

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W.P.No.27770 of 2017

SV(CO)
SP(23/11/2017)