

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.6327 of 2018

and

WMP.No.7879 of 2018

Raj Singh @ Richard Raja Singh
Principal & Correspondent
Josua Nursery & Primary School
No.57-A, Vetri Vinayagar Koil Street,
Thiruvallieswarar Nagar,
Chennai-600 040. ... Petitioner

Vs.

1.The Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road
Chennai - 600 034.

2.The Joint Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road,
Chennai-600 034.

3.The Assistant Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road,
Chennai-600 034.

4.The Special Officer
Arul Migu Thiruvalliswarar Thiru Koil
Padi, Chennai-50. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings M.P.No.211/2017/A3, dated 08.02.2018 which was signed on 21.02.2018 and quash the same as illegal, arbitrary and unlawful and consequently, direct the 2nd respondent to fix the fair rent to the petitioner's school Josua Nursery & Primary School, situated at No.57-A, Vetri Vinayagar Koil Street, Thiruvallieswarar Nagar, Chennai-600 040.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

The petitioner is aggrieved against the proceedings dated 08.02.2018, issued by the second respondent, which is nothing but a show cause notice, calling upon the petitioner to show cause as to why the petitioner should not be evicted from the subject matter premises on the reason that they refused to pay the just and fair rent fixed by the Department.

2. Though the learned counsel for the petitioner sought to raise so many queries and objections in this writ petition while challenging the present show cause notice, it is not in dispute that the second respondent is having jurisdiction to issue such notice. Therefore, it is for the petitioner to raise all the contentions as raised in this writ petition before the second respondent, who issued the show cause notice. When such avenue is available to the petitioner, I do not think that the present writ petition can be entertained, especially, when the proceeding under challenge is only a show cause notice issued by the competent authority.

3. Accordingly, without expressing any view on the merits of the matter, this writ petition is dismissed, only on the reason that the same is not maintainable. However, liberty is granted to the petitioner to give reply to the show cause notice and make all the objection within a period of two weeks from the date of receipt of a copy of this order. If any such objection is received, the concerned authority will consider the same and pass appropriate orders on merits and in accordance with law. 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 concerned authority to consider and decide the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road
Chennai - 600 034.

2.The Joint Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road,
Chennai-600 034.

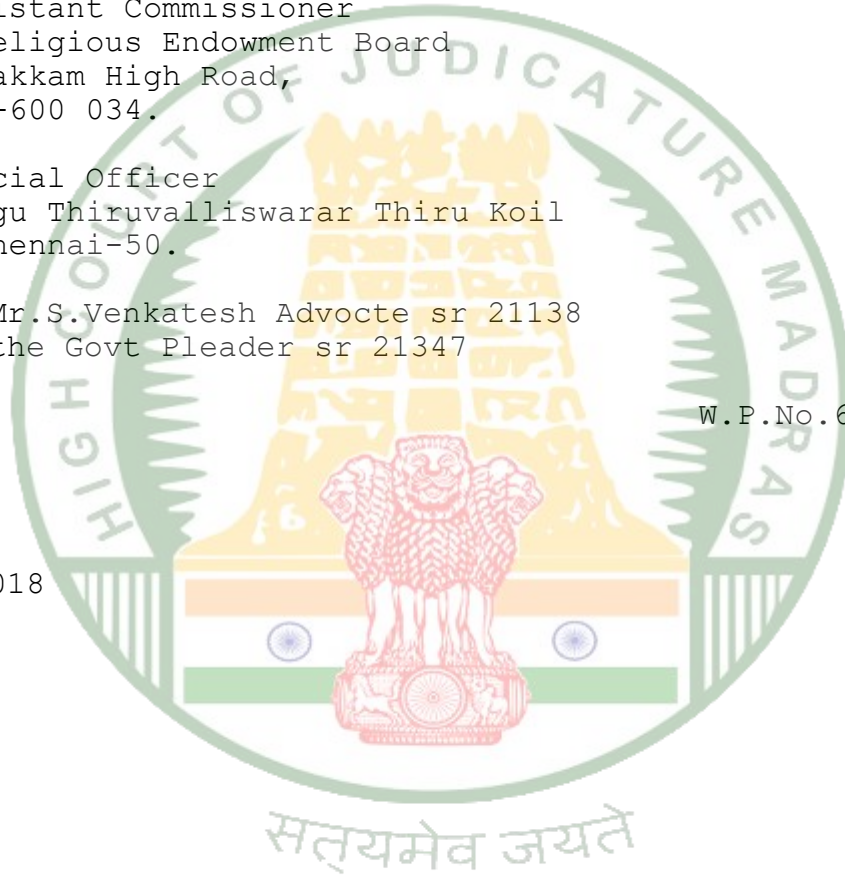
3.The Assistant Commissioner
Hindu Religious Endowment Board
Nungambakkam High Road,
Chennai-600 034.

4.The Special Officer
Arul Migu Thiruvalliswarar Thiru Koil
Padi, Chennai-50.

+1 cc to Mr.S.Venkatesh Advocte sr 21138
+1 cc to the Govt Pleader sr 21347

W.P.No.6327 of 2018

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