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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.01.2018

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.17 of 2018

and

M.P.(MD)Nos.14 and 15 of 2018

Raja Vocational Training Centre,
Rep by its Co-ordinator,
Mr.I.Christipther Xavier,
TSV Nagar,
Padikasuvaithanpatti,
Srivilliputhur,
Virudhunagar District-626 125.

. . .Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by Chief Secretary,
Health & Family Welfare Department,
Fort ST.George, Chennai-600 009.
- 2.The Joint Director of Medical,
Rural Health Services and Family Welfare,
District Family Welfare Bureau,
Collectorate Complex,
Virudhunagar- 616 003.
- 3.The Tashildar,
Srivilliputhur,
Virudhunagar District.
- 4.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
- 5.NCVRT Vocational Educational Council,
Represented by its southern regional
co-ordinator,
No.720-B, Jaina Tower II,
District Centre,
New Delhi-110 058.

. . .Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent dated 21.12.2017 in sealing the petition and to quash the same and consequently forbear the respondents 2 to 4 herein from interfering with their function as vocational course centre.



For petitioner : Mr.K.Muthu Ganesa Pandian
For respondents : Mr.M.Rajarajan
Government Advocate

ORDER

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The Writ Petition has been filed to call for the records relating to the impugned order of the 2nd respondent dated 21.12.2017 in sealing the petitioner institution, quash the same and consequently forbear the respondents 2 to 4 herein from interfering with their function as vocational course centre.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The learned Senior Counsel appearing for the petitioner submitted that without issuing any notice to the petitioner, the respondent said to have inspected the petitioner college and also sealed the college in their absence. Hence, the learned Government Advocate was directed to get instructions and on instructions the learned Government Advocate submitted that as per the orders passed by this Court in CrI.O.P.(MD)No.17001 of 2017 the respondents inspected the premises of the petitioner and at that time the petitioner was not present hence, the respondents had sealed the premises.

4.On perusal of the communication sent by the second respondent / Joint Director of Health Services in a proceedings dated 19.12.2017, it is seen that this court only directed the respondents to conduct inspection and there is no specific direction for the respondents to seal the premises without issuing notice to the petitioner.

5.On perusal of the record, it is seen that the respondents inspected the petitioner college without issuing any prior notice to the petitioner and sealed the premises on the ground that at the time of inspection nobody was present at the college. The respondents cannot seal the college of the petitioner merely because none was present at the time of inspection and absolutely there is no other allegations in the notice issued by the respondents for sealing the petitioner college. Since the inspection was conducted by the respondent without issuing notice to the petitioner, the respondent cannot complain that the petitioner was not present at the time of inspection and on that score, the respondent cannot close and seal the college of the petitioner. In the above circumstances, the notice issued by the second respondent is totally illegal. Hence, it is liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices/>

6.It is made clear that if the respondent wants to conduct an inspection in the petitioner college, they are at liberty to do



so after issuing prior notice to the petitioner indicating the date and time of the inspection.

7. With the above observations, this Writ Petition is allowed and the notice issued by the second respondent is set aside. There shall be no order as to costs. Consequently, M.P. (MD) Nos. 14 and 15 of 2018 are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
State of Tamil Nadu,
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.
2. The Joint Director of Medical,
Rural Health Services and Family Welfare,
District Family Welfare Bureau,
Collectorate Complex,
Virudhunagar- 616 003.
3. The Tashildar,
Srivilliputhur,
Virudhunagar District.
4. The Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.
5. Southern regional co-ordinator,
NCVRT Vocational Educational Council,
No. 720-B, Jaina Tower II,
District Centre,
New Delhi-110 058.

+1cc to M/S.K.Muthu Ganesa Pandian, Advocate SR.No. 40710

W.P. (MD) .No.17 of 2018
05.01.2018

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JM/SKN RSK/SAR 1/05.01.2018/3P/7C