

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.8422 of 2020

and

W.M.P.Nos.10123, 10124 & 10125 of 2020

International Maritime Academy
Rep. by its Managing Director J.Senthilkumar
No.33, Ramanujam Street
T.Nagar,
Chennai-600 017.

...Petitioner

vs

1. The District Disaster Management Authority
& District Collector
First Floor, Collectorate
Thiruvallur - 602 001.

2. The Tahsildar
Poonamallee Taluk
Thiruvallur District.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records pertaining to notice Re.Ne.7936/2020/11 dated 12.06.2020 issued by the 1st respondent to the petitioner and quash the same.

For Petitioner : Mr.P.Wilson
Senior Counsel
for Mr.Richardson Wilson
For Respondents : Ms.Narmatha Sampath
Additional Advocate General
assisted by
Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed challenging the proceedings of the first respondent dated 12.06.2020, wherein and whereby,

the petitioner-Institution was informed that their premises is required for accommodating primary and secondary positive cases of COVID-2019 and after the crisis is over, the premises will be safely handed over to the petitioner in the same condition. In the impugned proceedings, the petitioner was also directed to remove their belongings in the premises and hand over the building along with vacant rooms immediately after the receipt of the said notice.

3. Mr.P.Wilson, learned Senior Counsel appearing for the petitioner submitted that the petitioner-Institution cannot be taken over by the respondents straight away by issuing the impugned proceedings, more particularly, when the inspection by the competent authorities is due to inspect the institution building for renewal of the recognition. Under such circumstances, he pleaded that the impugned order should be set aside.

4. Ms.Narmadha Sampath, learned Additional Advocate General appearing for the respondents submitted that it is only a notice issued to the petitioner and if they submit their reply, it would be considered and appropriate orders will be passed.

5. The learned Senior Counsel for the petitioner submitted that already a reply sent on 14.06.2020 by RPAD and they would submit additional reply also by taking note of the subsequent development viz., the notice of inspection.

6. Heard both sides and perused the materials placed before this Court.

7. It is seen that the present impugned proceedings has been passed under the Disaster Management Act, 2005. The petitioner has some objections in handing over the premises. Though the impugned proceedings is styled as notice, in fact, it directed the petitioner to remove the belongings and hand over the building along with vacant rooms immediately. Whether the objections raised by the petitioner can be sustained or not, is for the first respondent to consider and decide, based on the materials placed before him by the petitioner. As it is seen that the petitioner has already sent the reply on 14.06.2020 and is contemplating to file additional reply also by taking note of the subsequent developments, this Court is of the view that the interest of the both parties will be protected by passing the following order.

8. Thus, this Court without expressing any view on the merits of the claim of the petitioner dispose of the Writ Petition with the following directions:

(a) The petitioner shall send an additional reply to the respondents within 7 days from the date of receipt of a copy of this order.

(b) On receipt of such additional reply as well as by considering the previous reply dated 14.06.2020, the first respondent shall pass orders on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner within a period of two weeks thereafter.

(c) Till such time, the impugned proceedings shall be kept in abeyance.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mk/vri

To

1. The District Disaster Management Authority
& District Collector
First Floor, Collectorate
Thiruvallur - 602 001.
2. The Tahsildar
Poonamallee Taluk
Thiruvallur District.

सत्यमेव जयते

W.P.No.8422 of 2020

AD(CO)
KKV/24/07/2020

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