



W.P.No.30778 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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ST. MARY'S Higher Secondary School,
(Managed by Vellore Ausilium Society (Regd)),
rep. by its Correspondent Sister Regina Mary,
R.C.Church Road, Vellore-632 001,
Vellore-632 001.

.. Petitioner

vs

1.The State of Tamil Nadu,
rep. by its Secretary,
School Education,
Fort St. George, Chennai-600 009.

2.The District Collector,
Office of District Collector Campus,
Vellore,
Vellore District.

3.The Tahsildar,
Office of Vellore Tahsildar,
Vellore Town and Taluk,
Vellore District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the Demand Notice Na.Ka.AA1/01/2022 dated 22.09.2022 issued by the third respondent and quash the same as illegal, unlawful, malafide, without jurisdiction and against principles of natural justice and consequently directing the second respondent to conduct enquiry and pass orders on the petitioner school representation dated 26.9.2022.

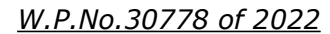
For the Petitioner : Mr.L.Chandrakumar
for M/s.T.C.Gopalakrishnan

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner school challenging the impugned demand notice dated 22.9.2022 issued by the third respondent and to direct the second respondent to conduct enquiry and pass orders on the representation of the petitioner dated



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3. Learned counsel further submitted that the school management does not collect any capitation fees or any extra amount towards expenditure, maintenance of the building, labs, equipment, annual day, sports day, teachers day, magazine, etc. While so, the impugned demand notice dated 22.9.2022 was issued to the petitioner calling upon the petitioner to pay a sum of Rs.12,54,682/- as lease amount. According to learned counsel, though a detailed



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representation was given by the petitioner on 26.9.2022 to the District Collector, Vellore, the same has not been considered till date.

4. Drawing our attention to the letter of the District Collector, Vellore, dated 30.8.2022, which has been cited as reference no.2 in the impugned demand, learned Additional Advocate General submitted that before issuing the impugned demand notice, reasonable opportunity was afforded to the petitioner and, therefore, the writ petition is not maintainable.

5. We have considered the rival submissions and also perused the materials available on record.

6. On a perusal of the impugned demand notice, it is seen that the petitioner school was called upon to pay a sum of Rs.12,54,682/- within a period of one week from the date of receipt of such notice, failing which it was stated that they will be evicted from the encroached land. Upon the receipt of the impugned demand notice, the petitioner school has submitted a representation on 26.9.2022 expressing its inability to pay the amount demanded and also



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requested the respondent authorities to waive the demanded amount.

There is no dispute that the representation of the petitioner dated 26.9.2022 has been received by respondents 2 and 3.

7. Since the representation of the petitioner is pending consideration before the respondent authorities, without going into the merits of the matter, we hereby direct the second respondent District Collector, Vellore to consider and dispose of the representation of the petitioner dated 26.9.2022 in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner.

8. With the above observation and direction, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.30202 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
18.11.2022

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To:

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- 1.The Secretary,
State of Tamil Nadu,
School Education,
Fort St. George, Chennai-600 009.
- 2.The District Collector,
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Vellore, Vellore District.
- 3.The Tahsildar,
Office of Vellore Tahsildar,
Vellore Town and Taluk,
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T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

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