



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.11516 of 2010

and M.P. (MD) .Nos.1 to 3 of 2010

WEB COPY

Raja Higher Secondary School,
E.Ramkumar Raja (Secretary),
Rep. by Power Agent,
K.Chandran,
S/o.Krishnathevar,
D.No.106, Muthunathupuram Street,
Kovilpatti Town,
Tuticorin District.

.. Petitioner

Vs

1.The Chief Educational Officer,
Tuticorin District, Tuticorin.

2.The Sub Registrar,
Ettaiyapuram,
Tuticorin District,
Tuticorin.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.4735/A3/2010, dated 28.07.2010, passed by the 1st respondent and quash the same, further direct the respondents to refrain from preventing the petitioner school from leasing out shops to be constructed in periphery of lands comprised in S.R.No.365/2 and 365/6 of Ettaiyapuram Town, Tuticorin District.

For Petitioner	: Mr.S.Vellaichamy
For Respondents	: Mr.N.GA.Nataraj
	Government Advocate

ORDER

This writ petition has been filed challenging the order dated 28.07.2010, passed by the first respondent, on the ground that without being afforded any opportunity of hearing to the petitioner, the first respondent has issued a direction to the second respondent that the petitioner should not register any deed on its own decision without authority of the Education Department.

2.Heard Mr.S.Vellaichamy, learned counsel for the petitioner and Mr.N.GA.Nataraj, learned Government Advocate appearing for the respondents.



3.As seen from the impugned order dated 28.07.2010, admittedly, no notice has been given to the petitioner prior to passing of the impugned order. The impugned order has been passed only on the ground that there was a public road blockage on 26.07.2010. The reasons for the said strike on 26.07.2010 is also not disclosed in the impugned order. The directions issued by the first respondent to the second respondent will affect the rights of the petitioner and this being the case, the first respondent before issuing the directions ought to have given opportunity of hearing to the petitioner, which has not been done so as seen from the impugned directions.

4.Therefore, this Court is of the considered view that principles of natural justice has been violated by the first respondent before passing the impugned directions. Hence, the impugned directions, dated 28.07.2010 issued by the first respondent has to be quashed and the writ petition has to be allowed.

5.Accordingly, this writ petition is allowed and the impugned directions issued by the first respondent dated 28.07.2010, is hereby quashed. However, liberty is granted to the first respondent to take action, if the first respondent so desires against the petitioner in case of any violation, after affording an opportunity of hearing to the petitioner, in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Chief Educational Officer,
Tuticorin District, Tuticorin.



2.The Sub Registrar,
Ettiyapuram,
Tuticorin District,
Tuticorin.

+1 CC to M/s.SPL GP (SR-9453[F] dated 02/03/2022)

W.P. (MD) No.11516 of 2010

01.03.2022

KK (CO)

GC (09.03.2022) 3P 4C