



W.P.No.18230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18230 of 2023

and W.M.P.Nos.17432, 17434 & 17437 of 2023

Sri Nandhanam Educational and Social Welfare Trust,
Represented by its Chairman PMN.Mohan Krishnaa,
Nandhanam Nagar, Molagarampatti, Tirupattur,
Tirupattur District-635602.

. . . Petitioner

Vs.

1. Directorate General of Shipping
9th Floor, Beta Building, iThink Towers
Kanchurmarg East, Mumbai,
Maharastra-400 046.

2. Subba Rao

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or order or direction more particularly in nature of Writ of Certiorari calling for the records in File No.20.12.2020-TRG-DGS dated 05.06.2023 on the file of the 1st respondent and quash the same.



W.P.No.18230 of 2023

For Petitioner : M/s.B.Manoharan
For Respondents : Mr.Rabu Manohar for R1.

ORDER

This Writ Petition has been filed assailing the impugned proceedings of the 1st respondent.

2. It is the case of the petitioner that petitioner trust is running higher Education institutions wherein, a surprise inspection was conducted by the respondents on 15.03.2023 and alleged discrepancies in the functioning of the college, against which, the petitioner filed a Writ Petition before this Court in W.P.No.8774 of 2023 seeking to forbear the respondents from proceeding with the inspection conducted on 15.03.2023 and to conduct a fresh inspection, which was disposed of with liberty to the respondents for conducting the inspection in accordance with law. Subsequently, alleging discrepancies in the functioning of the petitioner college, the 1st respondent has issued the present show cause notice to the



W.P.No.18230 of 2023

petitioner pursuant to the inspection alleged to have been conducted by the respondents on 15.05.2023. Challenging the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that without conducting any inspection on 15.05.2023 as alleged by the respondents, the present show cause notice has been issued by the respondents which is not sustainable and the same is liable to be set-aside.

4. Per Contra, learned counsel for the 1st respondent submits that initially the inspection was conducted on 15.03.2023. Pursuant to the order passed by this Court in W.P.No.8774 of 2023, the respondent authorities have conducted inspection on 15.05.2023 however, the Chairman of the petitioner trust did not co-operate with the respondent authorities which resulted in issuance of the present impugned show cause notice.

5. This Court heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.18230 of 2023

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6. Though the present Writ Petition has been filed challenging the impugned order of issuance of show cause notice, however, it is the consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold and it is for the petitioner to submit suitable explanation to the show cause notice. Therefore the prayer sought for in the present Writ Petition cannot be entertained. However, liberty is granted to the petitioner to give the explanation to the show cause within a period of three weeks from the date or receipt of a copy of this order. Upon receipt of such explanation, the 1st respondent is directed to pass appropriate orders within a period of three weeks thereafter.

7. This Writ Petition stands dismissed with the above liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

22.06.2023

Index : Yes / No

Internet : Yes / No

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W.P.No.18230 of 2023

To

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W.P.No.18230 of 2023

M.DHANDAPANI, J

NHS

W.P.No.18230 of 2023

22.06.2023