



W.P.(MD).No.21195 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.21195 of 2017

and

W.M.P.(MD)No.17457 of 2017

Kalaivani Martication School,
Represented by its Correspondent,
Mr.D.Jagadeeswaran

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Public Health & Preventive Medicine,
Fort St.George, Chennai – 600 009.

2.The Deputy Director of Health Services,
Department of Public Health & Preventive Medicine,
Ramanathapuram.

3.The Block Health Supervisor,
Government Health Primary Health Centre,
Uchipuli – 623 534, Mandapam Block,
Ramnad-District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the second respondent dated 20.10.2017 in his Notice Serial No.13/17 and quash the same and to direct the second respondent and to pass orders on the representation dated 21.10.2017.



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For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

Heard Mr.A.S.Mujibur Rahman, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents.

2. This Writ Petition has been filed challenging the order dated 20.10.2017 passed by the second respondent, imposing a penalty of Rs.1,00,000/- on the petitioner school.

3. The learned counsel for the petitioner would submit that the petitioner school is a recognized Matriculation School and was granted a Sanitary Certificate by the third respondent on 14.09.2017, after verification of the school's facilities. The petitioner school is challenging the fine of Rs.1,00,000/- imposed by the second respondent. The department had inspected the school's water tank on October 15, 2017, and advised the school to clean and cover it. However, during a follow-up inspection on October 20, 2017, the tank was found to be



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infested with mosquito larvae, leading to the imposition of the fine. The petitioner contends that the impugned order was passed without affording him an opportunity to be heard. Had he been given such an opportunity, he would have been able to explain his position. Since no opportunity was granted, the order violates the principles of natural justice. Therefore, the petitioner seeks interference from this Court with the impugned order.

4. On the contrary, the learned Government Advocate, appearing for the respondents, submitted that it is the petitioner's responsibility to maintain proper sanitary hygiene, particularly in a school attended by hundreds of children. He emphasized that the petitioner's failure to properly maintain the water tank led to the presence of mosquito larvae, which breed in stagnant water and are a primary cause of dengue virus. Therefore, he submitted that the impugned order should not be interfered with.

5. I have considered the submissions made on either side and perused the materials available on record.



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6. Admittedly, the handwritten order does not indicate that the petitioner school was given an opportunity to explain itself. For this reason alone, the impugned order is liable to be set aside, as it violates the principles of natural justice.

7. Accordingly, the impugned order is hereby set aside. The matter is remitted back to the third respondent to initiate fresh proceedings, after affording the petitioner a reasonable opportunity to be heard. The third respondent shall complete this exercise within a period of eight weeks from the date of receipt of this order.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:
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- 1.The Secretary to Government,
The State of Tamil Nadu,
Department of Public Health & Preventive Medicine,
Fort St.George, Chennai – 600 009.
- 2.The Deputy Director of Health Services,
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K.KUMARESH BABU, J.

Nsr

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