

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.33290 of 2015 and M.P. No.1 of 2015

Kannan

Petitioner

Vs.

1 The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamaraj Salai
Chennai 600 005

2 The Estate Officer - 4
Tamil Nadu Slum Clearance Board
No.2, Thiagarayar Salai
Teynampet
Chennai 600 018

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the second respondent in Proceedings in Na.Ko.No.830/A/I-A-4/2015 dated 01.09.2015 in Form A and consequential proceedings in Na.Ko.No.830/A/I-A-4/2015 dated 16.09.2015 in Form B and quash the same and consequently, restrain the respondents, their men, agent, servant or any other person claiming through or under them from in any manner preventing the petitioner from running the bunk shop as stated in the Schedule.

Schedule

Bunk No.325, W Block, Boopathy Nagar, Kodambakkam, Chennai 600 024

For petitioner Mrs. R. Anitha for M/s.Ramasamy
Law Associates.

For respondents Mr. S. Prabhu

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. S. Prabhu, learned Standing Counsel, accepts notice for the respondents. With the consent of the learned counsel for

the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner has filed the instant writ petition, seeking to quash the proceedings dated 01 September 2015 and the consequential proceedings dated 16 September 2015 issued under Rules 4 and 5 of the Tamil Nadu Slum Clearance Board (Control and Management of Properties) Rules, 1971 (for short "the Rules") whereby and whereunder, the petitioner has been directed to vacate the bunk shop in question, being in unlawful possession.

3 The learned counsel for the petitioner submits that the petitioner is in possession of the bunk shop in question lawfully, on inheritance from his father, who was duly allotted the same.

4 The learned Standing Counsel for the respondent-Board submits that the impugned proceedings were issued after giving due consideration to the petitioner's representation. However, there is a statutory provision of appeal under Rule 9 of the Rules. The petitioner, if aggrieved by the impugned proceedings, may be granted liberty to take recourse to statutory appellate forum.

5 We have considered all aspects of the matter.

6 We are of the considered view that no extraordinary circumstance has arisen to invoke the jurisdiction of this Court when an effective statutory remedy of appeal before the Chairman of the respondent Board is available. Needless to state that there is a provision for obtaining ad-interim relief also under sub-rule (3) of Rule 9 of the Rules. Accordingly, it is open to the petitioner to prefer an appeal, as aforesaid. For a period of one week from today, i.e., 26 October 2015, the impugned proceedings shall remain stayed, to enable the petitioner to prefer an appeal, if so advised.

The writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petition is closed.

cad

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1 The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamaraj Salai
Chennai 600 005

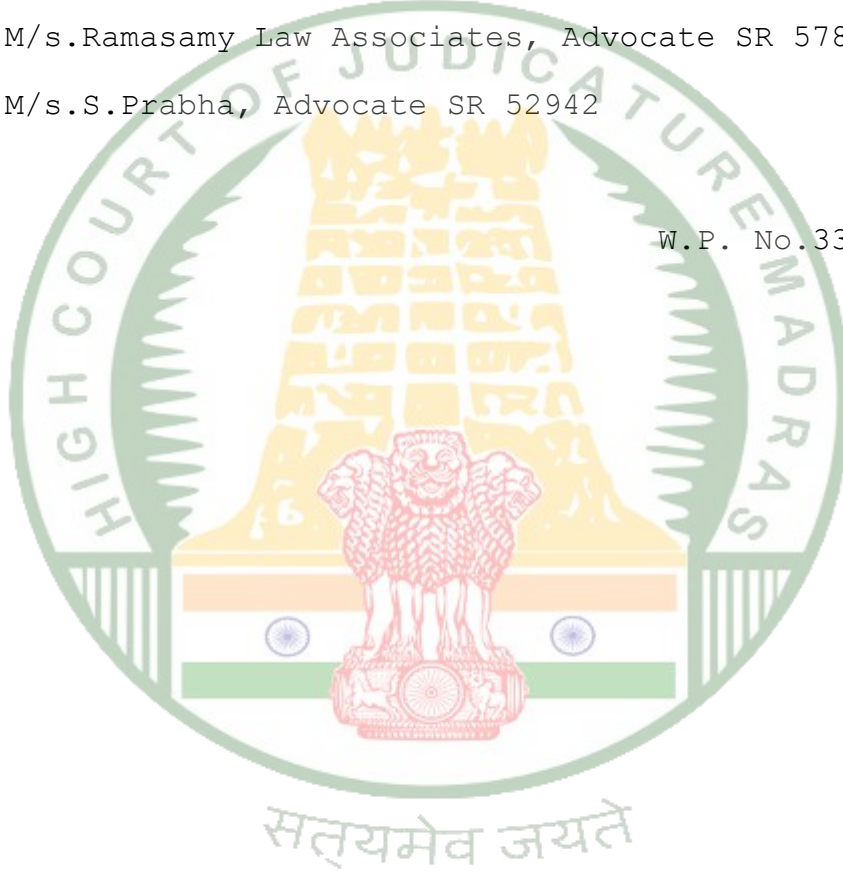
2 The Estate Officer - 4
Tamil Nadu Slum Clearance Board
No.2, Thiagarayar Salai
Teynampet
Chennai 600 018

+ 1 cc to M/s.Ramasamy Law Associates, Advocate SR 57888

+ 1 cc to M/s.S.Prabha, Advocate SR 52942

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W.P. No.33290 of 2015



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