

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.26470 of 2016

and WMP.No.22684 of 2016

P.Arjunan

...Petitioner

Vs.

The Chief Executive Officer
Office of the Cantonment Board
St.Thomas Mount cum Pallavaram
Chennai-600 016

...Respondent.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the notice in Notice No.STM/Works/8/1906 dated 28.06.2016 issued by the respondent culminating in the impugned demand and quash the same as illegal, arbitrary and against law.

For Petitioner : Mr.A.Poornachandran

For Respondent : M/s.King and Patridge.

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.A.Poornachandran, learned counsel for the petitioner and Mr.C.Mohan, learned counsel for the respondent-Cantonment Board.

2. This Writ Petition is filed challenging the Notice No.STM/Works/8/1906 dated 28.06.2016 issued by the respondent.

3. In the impugned Notice issued under Sub-Section (1) of Section 248 of the Cantonments Act, 2006, it was stated that erection completed by the petitioner should be demolished in the manner specified in column (4) of the said schedule.

4. According to the petitioner, the respondent has not issued any notice under Section 320 of Cantonments Act before issuing the impugned notice under Section 248 of Cantonment Act.

5. It is for the petitioner to exhaust his appellate remedy as provided under Section 340 of the Cantonments Act, 2006. All the contentions are left open to be urged by the petitioner before the appellate authority. However, since the limitation for filing appeal before the appellate forum viz., 30 days is over, the appellate authority shall consider the appeal, if any filed by the petitioner, within a period of 2 weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Chief Executive Officer,
Office of the Cantonment Board,
St.Thomas Mount cum Pallavaram,
Chennai-600 016.

+1cc to Mr.King & Patridge, Advocate Sr.47085
+1cc to Mr.A.Poornachandran, Advocate Sr.47030

Writ Petition No.26470 of 2016

ctk[co]
srg 14/09/2016

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