

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 Nos.27249 to 27251 of 2016
and WMP.Nos.23420 to 23425 of 2016

1 S.Munusamy ...Petitioner in W.P.No.27249/2016
1 K.Subramani ...Petitioner in W.P.No.27250/2016
1 M.Jesudoss ...Petitioner in W.P.No.27251/2016

Vs.

1 The Chief Executive Officer
Office of the Cantonment Board
St. Thomas Mount cum Pallavaram
Chennai-16. ...Respondent in all
W.Ps.

Prayer in W.P.No.27249/2016 Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent pertaining to the Notice/ Order dated 28.6.2016 issued under Sub-Section (1) of Section 248 of the Cantonment Act, 2006 in No.STM/Works/8/1908 to quash the same.

Prayer in W.P.No.27250/2016 Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent pertaining to the Notice/ Order dated 28.6.2016 issued under Sub-Section (1) of Section 248 of the Cantonment Act, 2006 in No.STM/Works/8/1907 to quash the same.

Prayer in W.P.No.27251/2016 Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent pertaining to the Notice/ Order dated 28.6.2016 issued under Sub-Section (1) of Section 248 of the Cantonment Act, 2006 in No.STM/Works/8/1909 to quash the same.

For Petitioner
in all W.Ps. : Mr.R.Chandrasudan

For Respondent : Mr.C.Mohan for
in all W.Ps. M/s.King and Partridge

COMMON ORDER

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

Heard Mr.R.Chandrasudan, learned counsel for the petitioners and Mr.C.Mohan, learned counsel appearing for the respondent.

2. These Writ Petitions are filed challenging the Notice No.STM/Works/8/1908No.STM/Works/8/1907/No.STM/Works/8/1909 respectively 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 petitioners should be demolished in the manner specified in column (4) of the said schedule.

4. According to the petitioners, 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 petitioners to exhaust their appellate remedy as provided under Section 340 of the Cantonments Act, 2006. All the contentions are left open to be urged by the petitioners 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 petitioners, within a period of 2 weeks from the date of receipt of a copy of this order.

6. The Writ Petitions are disposed of with the above observation. No costs. Consequently, connected WMPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nvsri

To

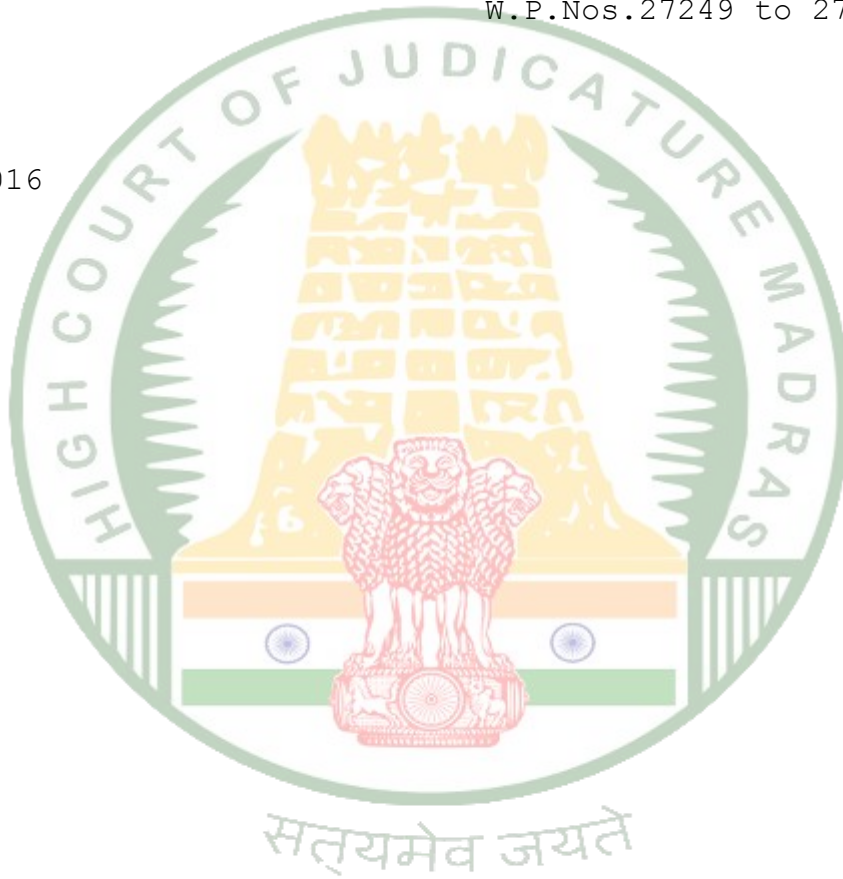
1 The Chief Executive Officer
Office of the Cantonment Board
St. Thomas Mount cum Pallavaram
Chennai-16.

+3 ccs to Mr.R.Chandrasudan Advocate sr 47088

+3 ccs to M/s.King & Partridge Advocate sr 47084

W.P.Nos.27249 to 27251 of 2016

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