

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.19682 of 2019
and W.M.P.No.19201 of 2019

V.Sundar

... Petitioner

-Vs-

1. Union of India,
Rep. by the Secretary,
Ministry of Railways,
Rail Bhavan, Raisina Road,
New Delhi 110 001.
2. Union of India,
Rep. by the Secretary,
Ministry of Urban Development,
A-Wing, Room No.101, Nirman
Bhawan, New Delhi 110 108.
3. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Housing and Urban Development Dept.,
Secretariat, Fort St. George,
Chennai 600 009.
4. The Principal Secretary to Government/
Chairman, Tamil Nadu Slum Clearance
Board, No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.
5. The District Collector,
Collectorate of Chennai,
Singaravelar Maaligai,
62, Rajaji Salai, Chennai 600 001.

6. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.
7. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
8. The General Manager,
Integral Coach Factory,
Chennai 600 038.
9. Estate Officer & Principal Chief Engineer,
Office of the Principal Chief Engineer,
Integral Coach Factory, Chennai 600 038. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records culminating in the passing of Form "BB" No.W/W.21(Track) dated 17.06.2019 passed by the 9th respondent and quash the same and consequently direct the respondents to provide alternate dwelling houses with adequate facilities to the dwellers/petitioner at South Jagannatha Street, Villivakkam, Chennai 600 049, in Survey No.333 of Korattur Village, Old Saidapet Taluk and presently under Perambur & Purasawakkam Taluk/Aminjekarai Taluk, within Division 94 of Zone 8 of Greater Chennai Corporation, within the time frame to be fixed by this Court.

For Petitioner : Mr.P.V.Vinayakhamurthi

For Respondents : Mr.S.N.Parthasarathy
Govt. Advocate for RR 3, 5 & 6

: Dr.C.Ravichandran
Stdg. Counsel for R-7

: Mr.P.T.Ramkumar
Stdg. Counsel for R-9

WEB COPY O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate, who takes notice for respondent nos.3, 5 and 6, Dr.C.Ravichandran, learned Standing Counsel, who takes notice for respondent no.7 and Mr.P.T.Ramkumar, learned Standing Counsel, who takes notice for respondent no.9.

2.This petition has been preferred by the petitioner against the notice, which was issued to the petitioner under Section 5B (1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The said notice is dated 17.06.2019. The notice relates to encroachment and unauthorized construction on railway land at S.No.333 of Korattur Village, Old Saidapet Taluk and presently under Perambur and Purasawakkam Taluk/Aminjikaran Taluk.

3.Against the notice which has been issued under Section 5B (1) of the said Act, there is an efficacious alternate remedy of preferring an appeal under Section 9 of the said Act.

4.In view of the fact that the petitioner has an efficacious alternate remedy against the notice dated 17.06.2019, we are not inclined to entertain this writ petition and the petitioner is relegated to the remedy of preferring appeal.

With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.19201 of 2019 is closed.
sra

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Govt. of India,
Ministry of Railways,
Rail Bhavan, Raisina Road,
New Delhi 110 001.
2. The Secretary to Govt. of India,
Ministry of Urban Development,
A-Wing, Room No.101, Nirman
Bhawan, New Delhi 110 108.
3. The Principal Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Dept.,
Secretariat, Fort St. George,
Chennai 600 009.

4. The Principal Secretary to Government/
Chairman, Tamil Nadu Slum Clearance
Board, No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.

5. The District Collector,
Collectorate of Chennai,
Singaravelar Maaligai,
62, Rajaji Salai, Chennai 600 001.

6. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

7. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.

8. The General Manager,
Integral Coach Factory,
Chennai 600 038.

9. Estate Officer & Principal Chief Engineer,
Office of the Principal Chief Engineer,
Integral Coach Factory, Chennai 600 038.

+1cc to Mr.P.T.Ram Kumar, Advocate, SR.No.60818

+1cc to DR.C.Ravichandran, Advocate, SR.No.60636

+1cc to Mr.K.Arunagiri, Advocate, SR.No. 61593

+1cc to the Govt.Pleader, Vide Sr.No.61336

W.P.No.19682 of 2019

Kak (21/08/2019)

सत्यमेव जयते

WEB COPY