

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.08.2019

CORAM:

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.NO.23472 OF 2019
AND W.M.P.NO.23262 OF 2019

B.M.Rajan

.. Petitioner

-vs-

1. The Managing Director,
Tamil Nadu Housing Board,
Nandhanam, Chennai 600 035.
2. The Executive Engineer-cum-
Administrative Officer,
Tamil Nadu Housing board,
Hosur Housing Board Division,
Bagalur Salai, Hosur-635 109,
Krishnagiri District.
3. The Special Tahsildar (Land Acquisition),
Hosur Housing Board Development,
Hosur, Krishnagiri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the impugned notice of the 2nd respondent in Letter No.B-2/5389/05 dated 24.07.2019 and quash the same.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.S.N.Parthasarathi
Govt.Advocate.

O R D E R

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

Heard Mr.C.Samivel, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate, for the respondents.

2.The petitioner has approached this Court being aggrieved by the notice dated 24.07.2019 issued by the Executive Engineer/Administrative Officer, Hosur Housing Board Division, who is the second respondent. In the notice, it is stated that Plot No.H-380, Survey No.603/1, Hosur Village, belongs to the Housing Board Division, Hosur Suburban Project Area-7 and it has been encroached upon by the petitioner, who has put up construction thereon. By the said notice, the petitioner was called upon to remove the said encroachment within 15 days, failing which the encroachment would be removed by the authorities.

3.The aforesaid notice can be said to be a notice issued under Section 84 (1) (b) of the Tamil Nadu State Housing Board Act, 1961. Against the said notice, the petitioner has an efficacious alternate remedy of preferring an appeal under Section 86 (1) of the said Act to the Government. The petitioner can also prefer an application for stay under Section 86 (3) of the said Act.

4.In view of the fact that the petitioner has an efficacious alternate remedy, we are not inclined to entertain this writ petition and the petitioner is relegated to the remedy of preferring an appeal against the said notice. If such an appeal is preferred to the Government in relation to the said notice, the appeal be disposed of as expeditiously as possible.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.23262 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandhanam, Chennai 600 035.
2. The Executive Engineer-cum-
Administrative Officer,
Tamil Nadu Housing board,
Hosur Housing Board Division,
Bagalur Salai, Hosur-635 109,
Krishnagiri District.

3. The Special Tahsildar (Land Acquisition),
Hosur Housing Board Development,
Hosur, Krishnagiri District.

+1cc to Mr.C.Samivel, Advocate, S.R.No.69457

W.P.No.23472 of 2019

NR(CO)
CS/20/09/2019



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