

## **Qazi Muniruddin And Ors. vs The Chairman, Town Area Committee, Mau ... on 29 October, 1952**

**Equivalent citations: AIR1953ALL109, AIR 1953 ALLAHABAD 109**

**Author: V. Bhargava**

**Bench: V. Bhargava**

### **JUDGMENT**

Malik, C.J.

1. This is an application under Article 226 of the Constitution. The case of the applicants is that, as the Ganjia Bazar is held on land belonging to them, the officer in charge of the Town Area, Allahabad, had no right under the Town Areas Act to realise the Teh-Bazari dues from the shopkeepers keeping stalls on the land belonging to the applicants. Learned counsel has urged that the orders of the officer in-charge of the Town Areas dated 14th October 1952, and 27th October 1952, are clear invasion of their right to property.

2. The applicants, however, have a remedy by way of a suit and they can in that suit file an application for injunction and pray for the reliefs that they have asked for in this application.

The only reason given for not proceeding in the ordinary course by way of a suit but by moving this Court under Article 226 of the Constitution is:

"That irreparable loss shall occur to the petitioners and they have no other alternative remedy equally convenient and efficient available to them."

It has not been explained in the affidavit or the application why the remedy by way of suit is not an adequate remedy. There are two Full Bench rulings of this Court on the point, *The Indian Sugar Mills Association, through its President, Hari Raj Swarup Lucknow v. The Secretary to Government, Uttar Pradesh, Labour Department, Lucknow and Ors.*, (1950 A. L. J. 767) and *The Asiatic Engineering Co. v. Achhru Ram and Ors.*, (1951 A. l. j. 576). In the *Sugar Mills Association* case it was held by this Court that applications under Article 226 of the Constitution would be entertained only in those cases where the rights of a person had been seriously infringed and he had no other adequate and specific remedy available to him. In the *Asiatic Engineering Co.*, case this Court held that we would exercise our jurisdiction and issue writs in the nature of Mandamus under Article 226 of the Constitution only in those cases where there was no legal remedy of an equally convenient,

beneficial and effectual nature.

3. A rule has also been framed by this Court (chap. 22, Rule 6) that no application under this chapter shall be maintainable if adequate relief is obtainable by the applicant by any oth'er process of law.

4. As there is nothing in the affidavit or the application to satisfy us that no other suitable remedy is open to the applicants, the application must fail and is dismissed.