

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11352 of 2015
and M.P.No.1 of 2015

Tmt.Lourdumary

.. Petitioner

Versus

- 1 The Corporation of Chennai
Rep by its Commissioner Ripon Buildings
Chennai 7
- 2 The Corporation of Chennai
Rep by its Executive Engineer Zone 13 Adyar
Chennai 20
- 3 The Deputy Commissioner of
Police (Law & Order) Adyar Chennai 20
- 4 The Inspector of Police
J3 Police Station Adyar Chennai 20 ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to forbear them from in any way interfering with the bunk stall allotted for rehabilitation of the petitioners wife of Ex-Serviceman in the junction of Velacherry Main Road Chennai 42 vide proceedings of the Collector and President of District Soldiers sailors and Airmens Board 2378/75-A1 dt 19.7.1975 in any manner particularly by way of removal the same or dispossession from the allotted place.

For Petitioner : Mr.S.Vinod for D.S. Rajasekaran

For Respondents : Mr.P.V.Selva Kumar (for R1 & R2)
Mr.Dig Vijaya Pandian (for R3 & R4)
Additional Government Pleader.

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner claims that she is the dependent wife of late Ex-serviceman No.1159118, Gunner A. Joseph, and was allotted a bunk shop by means of rehabilitation measure in the junction of Velacheri Road, vide proceedings of the Collector and President of District Soldiers' Sailors' and Airmen's Board, Madras in R.C.No.2378/75-A1 dated 19.07.1975. The grievance expressed by the petitioner is that she is carrying on business as a widow of the ex-serviceman and recently, the Corporation officials under the garb of eviction, has removed the bunk with the help of 4th respondent police and on realising the mistake, they have put the bunk shop in the same place and however, frequently threatening to remove the bunk shop and in this regard, she has submitted a representation dated 28.11.2014 to respondents 3 and 4 with a copy marked to the 2nd respondent and since the threat of dispossession continues, she came forward to file this writ petition.

3. Heard the submissions of Mr.S.Vinod, learned counsel appearing for the petitioner and Mr.P.V.Selva Kumar, learned standing counsel, who accepts notice for respondents 1 and 2 and Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice for respondents 3 and 4.

4. Though, the petitioner has sought for a larger relief, this Court in the facts and circumstances of the case, is of the view that it would suffice to direct the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 28.11.2014, within a stipulated time.

5. In the result, this Court, without going into the merits of the petitioner's representation, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 28.11.2014, on merits and in accordance with law, as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner and till then, shall maintain status quo as it exists today.

6. It is also open to the petitioner to submit one more representation to the respondents 1 and 2, by enclosing a copy of the earlier representation to the respondents, along with the orders passed in this writ petition, within a period of one week from the date of receipt of a copy of this order and the respondents shall also take into consideration the said representation and pass orders as stated above.

7. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ars

To

- 1 The Commissioner
The Corporation of Chennai
Ripon Buildings
Chennai 7
- 2 The Executive Engineer
The Corporation of Chennai
Zone 13 Adyar
Chennai 20
- 3 The Deputy Commissioner of
Police (Law & Order) Adyar Chennai 20
- 4 The Inspector of Police
J3 Police Station Adyar Chennai 20

1 cc to Government Pleader, Sr. 21523

1 cc to D.S. Rajasekaran, advocate, sr. 21323

W.P.No.11352 of 2015

RSY (CO)
kk 4/5