

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.16087 of 2016 and
W.M.P. No.14138 of 2016

J.Vanitha

.. Petitioner

-VS-

The Estate Officer,
Chennai Port Trust,
Administrative Office,
Rajaji Salai,
Chennai-600 001.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent not to evict the petitioner without following the due process of law.

For Petitioner : Mr.S.Wilson

For respondent : Mr.M.Palanimuthu

O R D E R

The petitioner J.Vanitha, has wrongly approached this Court, seeking an order of writ of mandamus directing the respondent not to evict her, without following the due process of law.

2.As a matter of fact the petitioner was terminated from service by the Chief Medical Officer, Chennai Port Trust, by an order dated Nil.10.2014. The said order of termination was challenged by the petitioner in W.P. No.12235 of 2015 and same was also dismissed as withdrawn on 24.04.2015 with a liberty to raise an industrial dispute before the appropriate forum. Thereafter, the Chief Medical Officer, Chennai Port Trust had issued an advertisement on 06.11.2014 in 'The Hindu' calling for application for the post of Full Time Lab Technician, Nurse, Dialysis technicians and Pharmacists on contract basis, which came to be challenged by the Labour Union before this Court in W.P. No.29424 of 2014 and this Court granted an order of interim injunction. In the meanwhile, the petitioner was issued with a show cause notice on 29.02.2016 by the respondent under sub-section (1) clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act,

1971, calling for explanation as to why she should not be evicted from the quarters and she was asked to appear in person on or before 17.03.2016. Accepting the said notice, the petitioner has given a detailed explanation on 17.03.2016, stating that the order of termination has been challenged before the Assistant Labour Commissioner (Central), Chennai and orders are yet to be passed.

3.This being the case of the petitioner, it is not known how the petitioner is entitled to say that she should not be evicted without following the due process of law, when she was terminated from service by order dated Nil 10.2014. Although the said order has put in challenge, the order dated Nil.10.2014 terminating the petitioner, has been issued by the respondent under Section under sub-section (1) clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, for which she has also given a representation and therefore, she is not entitled to maintain the present writ petition. Accordingly, the Writ Petition fails and the same is dismissed. Consequently, connected W.M.P. is also dismissed. No costs.

vga

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Estate Officer,
Chennai Port Trust,
Administrative Office,
Rajaji Salai,
Chennai-600 001.

+1 cc to Mr.S.Wilson, Advocate SR 27864

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