

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3101 of 2017

A.Amanullah

... Petitioner

-Vs-

The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

... Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to re-allot Bay No.1 in Western Approach, Kodambakkam Over Bridge, Arcot Road, Chennai over the railway lines to the petitioner for putting up a shop and running business therein with rent at Rs.2,640/- p.m., as per the undertaking given before the Hon'ble High Court, Madras in W.P.No.12497 of 2011 and as promised in the letter Z.O.VIII.C.No.8957/2011 dated 04.07.2011.

For Petitioner : Mr.M.Mohideen Pitchai

For Respondent : Mr.P.V.Selvakumar

ORDER

Mr.A.Amanullah, S/o Amjadh Ibrahim has brought this writ petition seeking issuance of a mandamus to the respondent to re-allot Bay No.1 in Western Approach, Kodambakkam Over Bridge, Arcot Road, Chennai over the railway lines to the petitioner for putting up a shop and running business therein with rent at Rs.2,640/- p.m., as per the undertaking given before this Court in W.P.No.12497 of 2011 and as promised in the letter Z.O.VIII.C.No.8957/2011 dated 04.07.2011. In support of the prayer, placing reliance upon paragraph-5 of the order passed by this Court in W.P.Nos.12495 to 12500 of 2011 dated 19.5.2011, which reads as under,

"5. The learned counsel appearing for the respondent, on instructions, would submit that since major repairs are required to be carried out to the over bridge, which is in a highly dilapidated condition, the petitioners are sought to be removed from the shops which

are in their occupation. It is further stated that when once the repair works are completed, the petitioners would be given accomodation in the same place so as to enable them to carry on their business."

the learned counsel submitted that as the respondent had already given an undertaking that once the repair works are completed, the petitioner would be given accomodation so as to enable him to run the business, the said undertaking given to this Court shall be acted upon by giving a suitable direction.

2. A counter affidavit also has been filed by the respondent. The learned standing counsel for the respondent also submitted that if four weeks time is granted, the request of the petitioner will be favourably considered.

3. Recording the statement made by the learned counsel for the respondent, the writ petition is disposed of granting four weeks time to the respondent to comply with the undertaking of re-allotting the place in question to the petitioner to run the business. Consequently, W.M.P.No.3033 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.10351
+1cc to Mr.D.Mohan, Advocate, S.R.No.10360

W.P.No.3101 of 2017

NR(CO)
CA(02/03/2017)