

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.15040 of 2018  
and  
W.M.P.No.17809 of 2018

S.Viruthambal

...Petitioner

Versus

1.The Chief Executive Officer,  
Cantonment Board,  
St.Thomas Mount,  
Chennai - 600 016.

2.The Assistant Engineer,  
Cantonment Board,  
St.Thomas Mount,  
Chennai - 600 016.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 21.09.2017 seeking permission to the petitioner to carry out the business of Tea Stall in the land abetting Madha Koil, situated at Bazaar Road, St.Thomas Mount, Chennai without any disturbance from the respondents in any manner.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.C.Mohan  
for M/s.King & Patridge

O R D E R

Heard Mr.R.Balachanderan, learned counsel for the petitioner and Mr.C.Mohan, learned counsel appearing for the respondents and perused materials available on record.

2. This writ petition has been filed seeking a writ of mandamus, directing the respondents to consider the representation of the petitioner dated 21.09.2017.

3. According to the petitioner, she is a poor widow and living with her two children, who are studying 11<sup>th</sup> and 10<sup>th</sup> standard respectively. Her husband was running a tea stall at Bazaar Road Junction, St.Thomas Mount, Chennai and passed away on 19.3.2017. Hence, she has approached the respondents for

running a mobile tea shop, for which the first respondent had collected Rs.548/-, on 24.8.2017. Since no licence was given, the petitioner sent a representation dated 21.9.2017 to the first respondent, for grant of licence. Since no favourable order was forthcoming, the present writ petition.

4.The learned counsel appearing for the respondents submitted that the petitioner was running a bunk shop by encroaching the land of the Cantonment Board, St.Thomas Mount cum Pallavaram, Chennai and the petitioner's bunk shop was removed, by initiating proceedings under Public Premises (Eviction of unauthorised occupants) Act. It is further stated that the representation of the petitioner dated 21.09.2017 was considered and it was rejected by the first respondent on 26.6.2018. The order has been placed for perusal of this Court.

5. In the light of the above facts, this Court is of the considered opinion that no further adjudication is required in this writ petition. Hence, this writ petition is closed. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ms

TO

1.The Chief Executive Officer,  
Cantonment Board,  
St.Thomas Mount,  
Chennai - 600 016.

2.The Assistant Engineer,  
Cantonment Board,  
St.Thomas Mount,  
Chennai - 600 016.

+ 1 cc to M/s. King & Partridge Advocate SR.41724

W.P.No.15040 of 2018  
and  
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VBA(CO)  
EU(13/07/2018)