

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.34008 of 2013
and M.P.No.1 of 2013

V.Shanthi

..Petitioner

Versus

1. The Commissioner,
Corporation of Madras,
Ripon Building,
Chennai-600 003.

2. The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai-600 007.

.. Respondents

Prayer: The Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents or their subordinates to restore the possession of the petitioner's shops made out wooden in front of Kamadhenu at No.100, Venus Market, Perambur, Chennai-11.
(Prayer amended as per order dated 06.06.2014 in M.P.No.1/2014 in W.P.No.34008/2013)

For Petitioner : Mr.S.Jayakumar

For RR1 : Mrs.Karthikaa Ashok

For RR2 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The prayer in the writ petition is to issue writ of Mandamus forbearing the respondents or their subordinates from evicting the shop of the petitioner illegally situated in front of Kamadhenu Jewellers /Venus market at Perambur.

2 Heard Mr.S.Jayakumar, the learned counsel for the petitioner, Mrs.Karthikaa Ashok, learned counsel for the first respondent and Mr.V.Shanmugasundar, learned Special Government Pleader for the second respondent and perused the records.

3 According to the petitioner, she is selling flowers, vegetables, fruits and other fancy items in front of Kamadenu Jewelers, Venus market at Perambur for the past 30 years and it is the only source of income to sustain her family and at the instance of the owner of the jewellery shop, the respondents are attempting to evict the petitioner. Hence, the petitioner is before this Court by filing the present writ petition.

4 In the counter filed by the respondent it is stated that the petitioner is an encroacher and therefore the petitioner has no locus standi to maintain this writ petition. It is further stated that on the basis of the complaint from Mr.Hemant Kamadhenu, first respondent initiated legal action and removed the petitioner's shop put up on the platform on 16.08.3013 and thereafter, she is repeatedly putting up the shop and selling flowers, vegetables and fruits and that this writ petition is filed after the petitioner has been removed from the encroachment with the help of the police. It is further stated that in W.P.No.1482 of 2013 the Hon'ble First Bench has already issued a direction to remove the encroachments put up on pavements in the city of Chennai. Accordingly, the encroachment was removed.

5 In the light of the above facts, I do not find any merits in this writ petition and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpl
To

1.The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai-600 007.

+1cc to Mrs.Karthikaa, Advocate, S.R.No.9427
+1cc to Mr.S.Jajakumar, Advocate, S.R.No.9832
+1cc to the Government Pleader, S.R.No.10274

W.P.No.34008 of 2013

RRK(01/03/2018)