

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.10.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12148 of 2020
and WMP No.14885 of 2020

R.Selvi

..Petitioner

Vs.

1. The Government of India,
Rep. By its Secretary to Local Administration Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
3. The Chair Person,
Town Vending Committee,
Assistant Commissioner / Zonal Officer,
Zone IX, Corporation of Chennai,
Lake Area, Nungambakkam,
Chennai 600 034.
4. The Commissioner of Police,
Greater Chennai, सत्यमेव जयते
EVK Sampath Road,
Vepery, Chennai 600 007
5. VGN Projects Estates P Ltd.,
Represented by its Authorised signatory,
Mr.A.Rangarajan, WEB COPY
No.153, Wallace Garden, 2nd Street,
Nungambakkam, Chennai 600 006
(R5 Impleaded vide order dated 09.10.2020
in WMP No.17011 of 2020 by NAVJ) ..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Government respondents not to interfere with the peaceful running of the tea bunk shop at No.15, Wallace Garden 2nd Street, Thousand Lights, Chennai, Ward No.111.

For Petitioner : Mr.Dr.K.Arul

For Respondents : Mrs.Karthika Ashok
Standing Counsel for R1 to R4
Mr.P.S.Raman
Senior counsel for R5

ORDER

This is a classic case of abuse of process of Court that has been committed by the petitioner. The petitioner had approached this Court by stating that she is running a bunk shop and that hasty steps are being taken by the Corporation to remove the bunk shop. According to the petitioner, the vending committee is yet to take a decision and in the meantime, the bunk shop was sought to be removed. Going by the case projected by the petitioner, an interim order was passed by this Court on 07.09.2020. An impleading petition has been filed before this Court and same has been allowed and the party has been added as the 5th respondent in this writ petition.

2. On going through the records furnished by the 5th respondent and after hearing Mr.P.R.Raman, learned Senior Counsel appearing on behalf of the impleaded respondent, it is seen that the petitioner and her husband were parties in an earlier writ petition in WP No.2983 of 2020 and an order was also passed by this Court on 14.02.2020. There was yet another writ petition that was filed even earlier in WP No.4342 of 2019 and an order was passed in the said writ petition on 15.02.2019. The impleaded respondent came before this Court by way of filing a contempt petition on the ground that the direction issued by this Court was not complied with. It was reported before this Court on 17.02.2019 that the Corporation has already evicted the person who was having the Bunk shop. Recording the same, the contempt petition was closed.

3. The main grievance expressed by the 5th respondent is that the bunk shop that was removed by the Corporation of Chennai again reappeared by taking advantage of the interim order passed by this Court. Therefore, it was contended by the learned Senior Counsel that the petitioner has involved herself in abuse of process of Court.

4. On a careful perusal of the records it is seen that the earlier two writ petitions contained the name of the husband of the petitioner as the respondent. Probably to get over the same, the wife has now jumped into the frame. There is no doubt in the mind of this Court that the petitioner has involved herself in a clear abuse of process of Court. The petitioner who has approached this Court with unclean hands

does not deserve any sympathy. The Corporation is directed to immediately remove the bunk shop put up by the petitioner by taking advantage of the interim orders passed by this Court.

5. In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

rka

To

1. The Government of India,
Rep. By its Secretary to Local Administration Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
3. The Chair Person,
Town Vending Committee,
Assistant Commissioner / Zonal Officer,
Zone IX, Corporation of Chennai,
Lake Area, Nungambakkam,
Chennai 600 034.
4. The Commissioner of Police,
Greater Chennai,
EVK Sampath Road,
Vepery, Chennai 600 007

+1cc to Mr.C.Seethapathy, Advocate SR.No.33600

W.P.No.12148 of 2020
and WMP No.14885 of 2020

RR(CO)
GMY(05/11/2020)