

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12185 of 2015

And

M.P.No.1 of 2015

Padmavathy

... Petitioner

Vs.

1. The State Commissioner for
Differently Abled,
O/o.State Commissioner for Differently Abled,
J.N.Ring Road, Chennai 600 078.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioner's representation dated 10.04.2015 for grant of licence/permission for running of the petitioner's bunk shop opposite to Vijayasanthi Builders, Near Gate No.5, Simson Company Limited, Sembium Plant, Madhavaram High Road, Perambur, Chennai - 600 011, wherein selling Tea, Coffee and Food items and till such time not to disturb the running of the same.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.Rm.Muthukumar
Government Advocate for R1

Mr.P.V.Selvakumar for R2

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner claims that she is otherwise abled (physically challenged) and she is running a small push cart bunk shop opposite to Vijayasanthi Builders, Near Gate No.5, Simson Company Limited, Sembium Plant, Madhavaram High Road, Perambur, Chennai for the past five years and she has been selling tea, coffee and snacks items in a hygienic manner and in and out of the meager income earned she is taking care of herself and her family and that the bunk shop is no way disturbing the general public for the free flow of traffic. The petitioner expressed apprehension that the second respondent is trying to interfere with the bunk shop as an unauthorised owner. In this regard she has submitted a representation dated 10.04.2015 to the respondent to grant licence to run the bunk shop and not to interfere with the running of the shop. However, the second respondent taking advantage of the orders passed in W.P.No.1482 of 2013 dated 07.03.2013 is trying to evict her without due process of law. Since, she has not been favoured with any response, came forward to file this writ petition.

3.Learned counsel appearing for the petitioner drawn the attention of this Court dated 16.04.2015 made in W.P.Nos.10975 to 10978 of 2015 and submitted that since the petitioner is similarly placed, the benefit of the said order may also be given to her and prays for appropriate orders of this Court.

4.Heard the submissions of Ms.N.R.Jasmine Padma, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate who accepts notice for the first respondent and Mr.P.V.Selvakumar, learned counsel who accepts notice for the second respondent.

5.This Court without going into the merits of the representation submitted by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 10.04.2015 in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order. Till then, status-quo as on today, shall be maintained. It is also made clear that the petitioner taking advantage of this order, shall not create any third party right in respect of the bunk shop in question.

6.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The State Commissioner for
Differently Abled,
O/o.State Commissioner for Differently Abled,
J.N.Ring Road, Chennai 600 078.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

+1cc to M/s.N.R.Jasmine Padma, Advocate, S.R.No.22641
+1cc to the Government Pleader, S.R.No.22891

W.P.No.12185 of 2015
And
M.P.No.1 of 2015

RSK(CO)
CA(07/05/2015)

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