

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12186 of 2015

And

M.P.No.1 of 2015

Mukunthan

... 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,
Navallur Panchayat,
Navallur,
Kancheepuram District.

... 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 07.04.2015 for grant of licence/permission for running of the petitioner's bunk shop situated at opposite to Lucas TVS, M.T.H Road, Padi, Chennai - 600 050, 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

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O R D E R

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

2.The petitioner claims that he is otherwise abled (physically challenged) and he is running a small push cart bunk shop opposite to Lucas TVS, M.T.H Road, Padi, Chennai for the past three years and he has been selling tea, coffee and snacks items in a hygienic manner and in and out of the meager income earned he is taking care of himself and his 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 he has submitted a representation dated 07.04.2015 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 him without due process of law. Since, he 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 him 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 07.04.2015 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,
Navallur Panchayat,
Navallur,
Kancheepuram District.

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

W.P.No.12186 of 2015
And
M.P.No.1 of 2015

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



सत्यमेव जयते

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