

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR.JUSTICE R. SUBBIAH

Writ Petition No.14456 of 2015
and
M.P.No.1 of 2015

Anbu Nilayam Physically Handicapped
Self Employed Welfare Association,
Rep.by its President,
Mr.A. Chandrasekaran,
No.47, Sait Jaswanthmal Street,
Choolai, Chennai - 600 112.

... Petitioner

Vs.

1. The Administrative Director,
SIDCO Ambattur Industrial Estate,
Ambattur, Chennai 600 058.
2. The Director,
Chennai Auto Ancillary Industrial
Infrastructure Upgradation Company,
SIDCO, Ambattur Industrial Estate,
Ambattur, Chennai 600 058.
3. The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled,
J.N. Ring Road, Chennai - 78.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider and pass appropriate orders on the petitioner's representation dated 07.05.2015 for the grant of licence/permission to its members for running the bunk shops on the road side margin at the Ambattur Industrial Estate, Chennai 600 058, until such time, not to disturb the peaceful running of the bunk shop business by the members of the petitioner's association.

For Petitioner : Mr.L. Chandrakumar for
Mr.R. Kamaraj

O R D E R

This writ petition is filed for issue of a Writ of Mandamus, directing the 1st respondent to consider and pass appropriate orders on the petitioner's representation dated 07.05.2015 for the grant of licence/permission to its members for running the bunk shops on the road side margin at the Ambattur Industrial Estate, Chennai 600 058, until such time, not to disturb the peaceful running of the bunk shop business by the members of the petitioner's association.

2. The case of the petitioner is that the petitioner Association was established in the year 2006 and duly registered as No. 7/2006 under the Tamil Nadu Societies and Registration Act. The main object of the petitioner Association is to give its voice to the differently abled persons and to protect their rights and interests. According to the petitioner, some of the members of the petitioner Association are running bunk shops in the road side margin at Ambattur Industrial Estate for the past several years. As there was interference by the 1st respondent and also the Commissioner, Corporation of Chennai, the members of the petitioner Association made various representations to the 1st respondent as well as the Commissioner for Chennai Corporation for grant of licence/no objection to run their bunk shops in their respective places. As the said representations were not considered, some of the members of the petitioner Association filed writ petitions seeking a direction to consider their representations and to pass suitable orders with regard to grant of licence/permission to run their bunk shops before this Court and this Court disposed of the writ petitions directing the Commissioner, Corporation of Chennai to pass appropriate orders on the representations submitted by the petitioners therein within a stipulated time and not to dispossess them, till the representations are disposed of. However, so far, the representations made by the members of the petitioner Association have not been considered. While so, the 2nd respondent has issued a notice dated 29.04.2014 to some of the members of the petitioner Association asking them to vacate their respective bunk shops within two weeks from the date of receipt of the said notice. Further, it is stated in the said notice that the Commissioner, Chennai Corporation has stated that the road and bus stop vest with SIDCO and therefore, they have every right to evict the shops of the members of the petitioner Association from their respective places. Besides, the Commissioner, Chennai Corporation, has not disposed of the representations of the members

of the petitioner Association stating that they have to approach the 1st respondent for grant of licence/permission. In such circumstance, the petitioner Association submitted a representation to the 1st respondent on 07.05.2015 for grant of licence/permission to run their respective bunk shops. So far, no orders have been passed on the said representation. But, according to the petitioner, steps are being taken to remove the bunk shops run by the members of the petitioner Association. Hence, the present writ petition.

3. Considering the submissions made by the learned counsel on either side, without going into the merits of the contentions raised by the petitioner, this Court directs the 1st respondent to consider the representation submitted by the members of the petitioner Association dated 07.05.2015 for grant of licence/permission to run their bunk shops in Ambattur Industrial Estate, Chennai, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Connected M.P. Is closed.

Sd/-

Assistant Registrar(CS II)/
Vacation Officer

//True Copy//

Sub Assistant Registrar

nv
To

1. The Administrative Director,
SIDCO Ambattur Industrial Estate,
Ambattur, Chennai 600 058.
2. The Director,
Chennai Auto Ancillary Industrial
Infrastructure Upgradation Company,
SIDCO, Ambattur Industrial Estate,
Ambattur, Chennai 600 058.
3. The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled,
J.N. Ring Road, Chennai - 78.

+1cc to Mr.R.Kamaraj, Advocate, S.R.No.25111

SR(CO)
CA(21/05/2015)

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