

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.05.2015

CORAM

THE HON'BLE MR. JUSTICE R.SUBBIAH

W.P.No.14714 of 2015
and M.P.No.1 of 2015

Kalainar

.. Petitioner

Versus

1. The State Commissioner for
Differently Abled O/o.State Commissioner
for Differently Abled J.N.Ring Road
Chennai-600 078.
- 2 The Chief Engineer
National Highways Department Chinnamalai
Chennai-600 015.
- 3 The Commissioner
Corporation of Chennai, Rippon Buildings
Chennai-600 003.
- 4 The Commissioner of Police
Vepery Chennai-600 007.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 2nd Respondent to consider and pass orders on the petitioners representation dated 06.05.2015 for grant of licence/permission for running of the petitioners Bunk Shop opposite to National Institute of Technical Teachers Training and Research near Auto Stand Rajiv Gandhi Road (OMR) Thiruvanimiyur Chennai-41 wherein selling Tea Coffee and Food items and till such time not to disturb the running of the same.

For Petitioner : Mr.L.Chandra Kumar
For Respondents : Mr.P.Sanjay Gandhi (for R1,2 and 4
Additional Government Pleader.

Mr.V.C.Selvasekaran (for R3)

ORDER

Mr.P.Sanjay Gandhi, learned Additional Government Pleader, takes notice for the respondents 1, 2 and 4 and Mr.V.C.Selvasekaran, learned standing counsel, takes notice for the 3rd respondent. By consent of learned counsel on either side, the writ petition is taken up for final disposal.

2. The present writ petition has been filed for a mandamus, directing the 2nd and 3rd respondents to consider and pass orders on the Petitioner's representation dated 06.05.2015 for grant of licence/permission for running his bunk shop, opposite to National Institute of Technical Teachers Training and Research, near Auto Stand, Rajiv Gandhi Road (OMR), Thiruvannamipur, Chennai-41, wherein, he is selling Tea, Coffee and Food items and till such time, not to disturb the running of the same.

3. The case of the petitioner is that, he is eking his livelihood solely on the basis of running a small push cart bunk shop

opposite to National Institute of Technical Teachers Training and Research, near Auto Stand, Rajiv Gandhi Road (OMR), Thiruvannamipur, Chennai-41, for the past several years and in the said shop, he is selling tea, coffee and snacks items in a hygienic manner.

4. The petitioner has further stated that though, the Government of Tamilnadu has been giving bunk shops freely to the disabled persons for erecting the same in the unobjectionable places and run the business, so as to enable them to earn independently without depending upon others, the 2nd and 3rd respondents are trying to interfere with the running of his bunk shop as it is “unauthorised”. Therefore, the petitioner gave a representation dated 06.05.2015 to the respondents 2 and 3, to grant licence to his bunk shop and not to interfere with the running of the shop. But till date, he has not received any reply to the said representation. Hence, the present writ petition.

5. Learned counsel for the petitioner submitted that in similar nature of writ petition, this Court has passed an order directing the 1st respondent therein to consider the representation within a specified time and following the same, similar order may be

passed. The petitioner also produced a copy of the order dated 16.04.2015 passed in W.P.Nos.10975 to 10978 of 2015.

6. Hence, following the earlier order, this Court is constrained to pass the following order:

“Without entering into the merits of the petitioner’s representation, directs the 2nd and 3rd respondents to consider the representation of the petitioner dated 06.05.2015 and dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and till such time, status-quo as on today, shall be maintained. The petitioner by taking advantage of the interim order, shall not create any third party right in respect of the bunk shop in question”.

7. With the above direction, the writ petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

14.05.2015

Index:Yes/No
Internet:Yes/No
va/ars

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R.SUBBIAH, J.,

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