

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.06.2015

Coram

The Honourable Mr.JUSTICE T.RAJA

W.P.Nos.16709 to 16711 of 2015

and

M.P.Nos.1, 1 and 1 of 2015

A.Mani .. Petitioner in
W.P.No.16709/2015

V.Amirtharaj .. Petitioner in
W.P.No.16710/2015

R.Manivannan .. Petitioner in
W.P.No.16711/2015

vs.

1.The State Commissioner for
Differently Abled,
O/o.State Commissioner for
Differently Abled,
J.N.Ring Road, Chennai - 78.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3. .. Respondents in all
the W.Ps

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to consider and pass orders on the petitioners' representations dated 01.06.2015, 01.06.2015 and 06.05.2015 for grant of licence/permission for running of the petitioners' bunk shops situated at Fagun Towers, P.V.Cherian Road, Egmore, Chennai - 8; No.8, Prakasam Road, Opposite to Panagal Park, Chennai - 17; and Lake Area, 7th Cross Street, Lake Area Corner, Nungambakkam, Chennai - 34 respectively, wherein selling tea, coffee and food items and till such time not to disturb the running of the same.

For Petitioners : Mr.L.Chandrakumar in all the W.Ps

For Respondents : Mr.A.Kumar, Spl. G.P. for R1
Mr.P.V.Selvakumar for R2
in all the W.Ps

COMMON ORDER

These writ petitions are filed seeking a common relief of writ of mandamus directing the Commissioner, Corporation of Chennai, Rippon Buildings, to consider and pass orders on the petitioners' representations, dated 01.06.2015, 01.06.2015 and 06.05.2015, for grant of licence/permission for running their bunk shops situated at Fagun Towers, P.V.Cherian Road, Egmore, Chennai - 8; No.8, Prakasam Road, Opposite to Panagal Park, Chennai - 17; and Lake Area, 7th Cross Street, Lake Area Corner, Nungambakkam, Chennai - 34, respectively.

2. Heard the learned counsel for the petitioners and Mr.A.Kumar, the learned Special Government Pleader, who takes notice on behalf of the first respondent and Mr.P.V.Selvakumar, the learned counsel who takes notice for the second respondent.

3. Learned counsel for the petitioners would submit that all the petitioners, who are physically handicapped (differently abled persons), are running their bunk shops at different places in the city of Chennai for the past four years and their shops are in no way disturbing the general public or the free flow of traffic. As per Section 43 of the Persons with Disabilities (equal opportunities, Protection of Rights and Full Participation) Act, 1995, all the petitioners are having statutory right to claim the right of business. While so, the second respondent is interfering with their running of bunk shops, as though the shops are unauthorised ones.

4. It is also submitted that when there was already an order passed by this Court in W.P.Nos.30348 to 30352 etc., batch, on 5.11.2012, referring the matter to the appropriate committee formed for this purpose by the Commissioner, Corporation of Chennai, by proceedings dated 19.7.2012, consisting of the officials, viz., the Additional Commissioner (R & F), the District Revenue Officer (L & E), Revenue Officer, Law Officer and the Zonal Officer, to look into the matter and see whether such bunk shops constructed by the side of the road should be allowed to continue or be removed, and in the alternative, if it is proved that factually the bunk shops are being run by the handicapped persons, whether an alternative site be provided to them, it is not proper on the part of the second respondent in proceeding with the eviction process.

5. It is further submitted that taking strength of the order passed in W.P.No.1482 of 2013, dated 7.3.2013, the second respondent cannot, all of a sudden, evict the petitioners, without complying with the directions issued in W.P.Nos.30348 to 30352 etc., batch, dated 05.11.2012, namely, without directing the committee to examine the case of the petitioners for their existence or eviction.

6. It is the case where the petitioners, being physically handicapped persons, are running their bunk shops at various places

in the city of Chennai. Therefore, as directed by this Court in W.P.Nos.30348 to 30352 etc., batch, dated 05.11.2012, the Committee, which is found constituted in paragraph No.3 of the said order, is directed to look into the case of the petitioners and take appropriate decision, after giving notice to all the petitioners. Till the Committee comes to the conclusion, the respondents are directed to maintain status-quo as on date.

7. With the above direction, all the writ petitions stand disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Msk

To

1.The State Commissioner for
Differently Abled,
O/o.State Commissioner for
Differently Abled,
J.N.Ring Road, Chennai - 78.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

+3 cc to Mr.P.V.Selvakumar, Advocate, sr.28663, 38664,28665

W.P.Nos.16709 to 16711 of 2015

lrs(co)
kra(05/08)

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