

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition No.18251 of 2015

V.Visvanathan

... Petitioner

Vs.

1.The Special Commissioner
for Handicapped
Office of the State Commissioner of Disabled
No.15/1, Model School Road
Thousand Lights, Chennai - 600 006

2. The Taluk Officer
Zozhinganallur Taluk
Medavakkam
Chennai - 600 119

3. The Executive Engineer
Highways and Rural Works Department
Medavakkam
Chennai - 600 119

4.The Inspector of Police
Chemancherry Police Station
Chennai - 600 119

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the second respondent to dispose of the petitioner's representation dated 24.02.2015 issuance of licence of Running Bunk shop on the line of Meedavakkam High Road, Sholinganallur by the side of Elcotex Gate Opp, Sadappanila Forest area, Tolgate, Chennai - 600 119, selling Tea, Coffee, Snacks (Foods) in hygienic manner.,

For Petitioner : Mr.E.Martin Jayakumar
R1 to R4

For Respondents : Mr.A.Kumar for R4

O R D E R

This writ petition has been filed by V.Visvanathan, seeking for a direction to the second respondent to dispose of the petitioner's representation dated 24.02.2015 and issue licence for running his bunk shop.

2. The petitioner claims that he is a physically handicapped person having 100% disability with Post Polio Parases. The petitioner further states that he is running a bunk shop on the line of Meedavakkam High Road, Sholinganallur by the side of Elcotex Gate Opp, Sadappanila Forest area, Tolgate, Chennai - 600 119 and selling Tea, Coffee, Snacks (Foods) in hygienic manner and with the income received from the bunk shop, he is eking out his livelihood. While he was doing the said business, the officials of the third respondent without giving any notice whatsoever try to evict his bunk shop. Therefore, the petitioner has given a representation to the Commissioner, the second respondent herein, requesting him not to evict his bunk shop. However, the officials from the second respondent office are continuously disturbing his business. In view of the constant disturbances from the officers of the second respondent, one another representation dated 24.02.2015 was given to the first respondent and a copy of the same was also forwarded to the second respondent requesting them not to disturb his peaceful possession. The petitioner has also enclosed a certificate issued by the Medical Officer, Rehabilitation Medicine, K.K.Nagar, Chennai to supports his case that he is a physically handicapped person with 100% permanent physical impairment.

3. In the similar circumstances, the Hon'ble First Bench of this Court has issued direction to the Corporation to allot 5% of the shops for physically challenged persons. Pursuant to the said order, several orders have been passed directing the corporation to consider the cases of physically challenged persons in view of Section 43 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995).

4. In the light of the above, this writ petition is disposed of without going into the merits of the case, directing the petitioner to send one more copy of the representation dated 24.02.2015 to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation from the petitioner, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. Till such time, the second respondent is directed to maintain status-quo. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

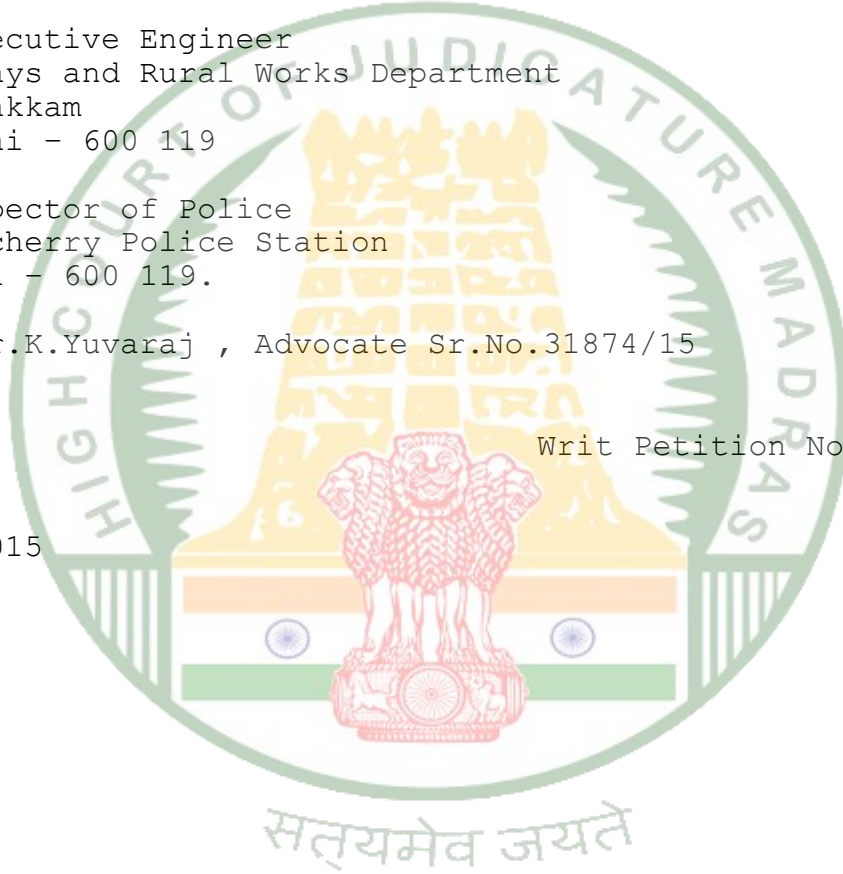
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To

- 1.The Special Commissioner
for Handicapped
Office of the State Commisioner of Disabled
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 2. The Taluk Officer
Zozhinganallur Taluk
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 - 4.The Inspector of Police
Chemancherry Police Station
Chennai - 600 119.
- 1 cc to Mr.K.Yuvaraj , Advocate Sr.No.31874/15

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pmk.3.7.2015



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