

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition No.18252 of 2015

S.Senthil Kumar

...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 Commissioner
Navalur Panchayat
Navalur, Kancheepuram District

3. The Commissioner of Police
Vepery, Chennai - 600 007

...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 15.03.2015 issuance of licence for running Bunk shop at Tata Consulting Service Private Ltd., Gate No.3, TCS Bank Road, Siricherry, SIPCOT, Navallur, Selling Tea, Coffee, Snacks (Foods) in hygienic manner.

For Petitioner : Mr.K.Yuvaraj

For Respondents : Mr.R.Ravichandran
Additional Govt. Pleader

O R D E R

This writ petition has been filed by S.Senthil Kumar, seeking for a direction to the second respondent to dispose of the petitioner's representation dated 15.03.2015 and issue licence for running his bunk shop.

2. The petitioner claims that he is a physically handicapped person having 60% disability with Post Polio Parases. The petitioner further states that he is running a bunk shop at Tata Consulting Service Private Ltd., Gate No.3, TCS Bank Road, Siricherry, SIPCOT, Navallur 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 tried 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 15.03.2015 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. A certificate was also issued by the District Disabled Rehabilitation Officer, Thiruvallur to support the case of the petitioner that S.Senthil Kumar, the petitioner herein is a physically handicapped person with 60% 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 15.03.2015 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(CO)

//True Copy//

Sub Assistant Registrar

gpa

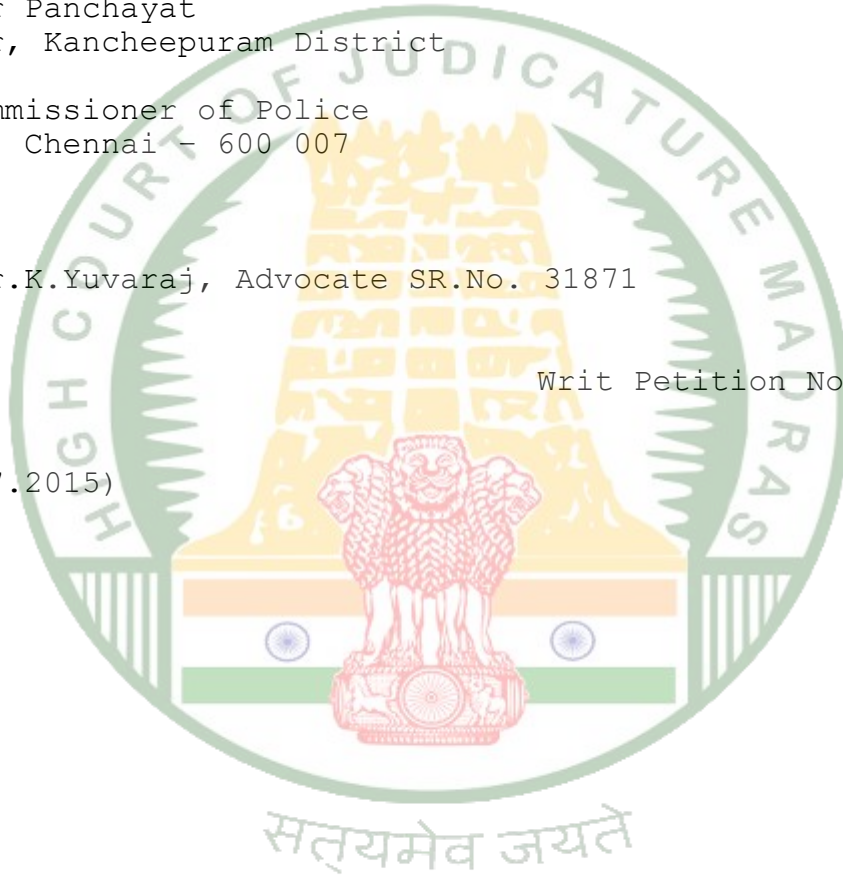
To

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1 CC to Mr.K.Yuvaraj, Advocate SR.No. 31871

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KGK (CO)
PSI (03.07.2015)



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