

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.19407 to 19409 of 2015

Ravi ...Petitioner in W.P.19407/2015
Ramasamy ...Petitioner in W.P.19408/2015
K.Mani ...Petitioner in W.P.19409/2015

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,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.
3. The Commissioner of Police,
Vepery, Chennai - 600 007.
...Respondent in W.P.19407/2015
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.
...Respondent in W.P.19408/2015

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.

...Respondent in W.P.19409/2015

Prayer in W.P.19407 of 2015:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 28.04.2014 issuance of Licence for Running Bunk Shop at on the line of Ambit Park Road, infront of Princu Info Park, Back side gate, Ambit Park Road, Ambattur, Industrial Estate, Chennai - 58.

Prayer in W.P.19408 of 2015:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 23.03.2015 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.

Prayer in W.P.19409 of 2015:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd 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 Petitioners : Mr.P.S.Mercy Ganammal
For Respondents : Mr.A.Kumar for R1 and R3
Special Government Pleader

COMMON ORDER

By consent, these writ petitions are taken up for final disposal.

2.The writ petitions are filed by Ravi, a physically handicapped person having 60% disability with Post Polio parases, Ramasamy, a physically handicapped person having 75% disability with Post Polio parases and K.Mani, a physically handicapped person having 75% disability with Post Polio parases respectively, stating that they have been running the bunk shop on the line of Ambit Park Road, infront of Princu Info Park, Back side gate, Ambit Park Road, Ambattur, Industrial Estate, Chennai - 58, Tata Consulting Service Private Ltd., Gate No.3, TCS Bank Road, Siricherry, SIPCOT, Navallur and Tata Consulting Service Private Ltd., Gate No.3, TCS Bank Road, Siricherry, SIPCOT, Navallur respectively and selling tea, coffee and other eatable items in hygienic manner. They are eking out their livelihood for their family members and aged parents.

3.Whileso, without giving any opportunity, the officials of the third respondent are trying to disturb their bunk shops. Therefore, they have given representation dated 28.04.2014, 23.03.2015 and 15.03.2015 respectively to the respondent seeking not to disturb the physical running of their bunk shops. As there is huge apprehension that any time the respondents may come and evict the petitioners, the petitioners have come to this Court seeking issuance of writ of mandamus.

4.The learned counsel appearing for the petitioners has also placed on record an order of this Court dated 29.10.2014 made in W.P.No.28172 of 2014, wherein in similar circumstances, this Court has held as follows:

"4.As per the orders of the Honourable First Bench of this Court, a direction was issued 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 Persons with disabilities (equal opportunities, protection of rights and full participation Act) 1995".

5.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 15.3.2014 to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, 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. No costs."

5. In view of the above, this Court without going into the merits of the case, directs the petitioners to send one more copy of their representation to the respective second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law as per the order of this Court cited above. It is needless to mention that the Honourable First Bench of this Court, has issued to the Corporation to allot 5% of the shops for physically challenged persons. As the petitioners are also physically challenged, the respective second respondent is directed to consider their representation and pass appropriate order. Till such time, the petitioners shall not be dispossessed from their place.

6. The writ petitions are disposed of accordingly. No costs.

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s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

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for Handicapped
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 4. The Commissioner,
Navalur Panchayat,
Navalur, Kancheepuram District.
- + 3 ccs to Mr.K.Yuvaraj, Advocate SR.Nos.33516 to 33518

sai(co)
prk8/7

W.P.Nos. 19407 to
19409 of 2015