

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.Nos.1948 and 1949 of 2015

M.Veena

.. Petitioner in  
W.P.No.1948/2015

S.Suryakumari

.. Petitioner in  
W.P.No.1949/2015

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  
Ripon Building, Chennai 600 003.
  3. The Commissioner of Police  
Vepery, Chennai 600 007.
- .. Respondents in both  
W.Ps.

Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus to direct the 2<sup>nd</sup> respondent to dispose of the petitioner's representation dated (i) 29.12.2014 for issuance of Licence for running Bunk Shop on the line of Ambathur Industrial Estate (South) in front of Ambit Park Building, Ambit Park Road Out Gate, Opp.Kaucher Building, Chennai-58 and (ii) dated 29.10.2014 for issuance of licence for running Bunk shop on the line of 3rd Main Road, in front of Classic Engineering Enterprises Plot No.23/10, New No.83, Opp.the EIMCO-KCP Ltd., Plot No.11A, 3rd Main Road, Ambattur Industrial Estate South, Chennai-58 respectively by selling Tea, Coffee, Snacks (Foods) in hygienic manner.

For Petitioner : Mr.V. Jaishankar  
in both W.Ps.  
For Respondents : Mr.M.L.Mahendran  
in both W.Ps. Government Advocate for R1

Mr.P.V.Selvakumar for  
RR2 and 3

#### COMMON ORDER

The petitioners are physically challenged women having 50% and 40% disability respectively and are running Bunk Shops on the line of Ambathur Industrial Estate (South) by selling Tea, Coffee, Snacks (Foods) in hygienic manner.

2. The grievance of the petitioners is that the officials of the 3<sup>rd</sup> respondent have attempted to evict their bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioners have sent representations dated 29.12.2014 and 29.10.2014 respectively to the first respondent. Thereafter, the petitioners have come up with the present writ petitions, seeking a direction to the 2<sup>nd</sup> respondent to dispose of their representations for issuance of Licence for running Bunk Shop.

3. Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents and perused the materials placed on record.

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, both these Writ Petitions are disposed of without going into the merits of the case, directing the petitioners to send one more copy of their representations dated 29.12.2014 and 29.10.2014 respectively to the 2<sup>nd</sup> respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, 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.

6. Till such time, the second respondent passes appropriate orders, the petitioners shall not be dis-possessed from the place.

vj2

-s/d-

Assistant Registrar (CO)

Dt:30/1/2015

True Copy

Sub-Assistant Registrar

To

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  
Ripon Building, Chennai 600 003.
  3. The Commissioner of Police  
Vepery, Chennai 600 007.
- + 2 ccs to Mr.V.Jaishankar, Advocate, SR 4859 & 4850
- + 1 cc to the Govt. Pleader, High Court, Madras SR 4389

prk30/1

सत्यमेव जयते

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