

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

Coram

The Honourable Mr.JUSTICE T.RAJA

W.P.No.21203 of 2015

and

M.P.No.1 of 2015

Manjula

...Petitioner

vs.

1. The State Commissioner for Differently Abled,
O/o.State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 6.

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

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from evicting the petitioner's bunk shop situated at front side of Ramanujam I.T. City, M.G.R. University Road, Taramani, Chennai, and further direct the second respondent to grant licence to the petitioner bunk shop.

For Petitioner : Mr.D.Devaraj

For Respondents : Mr.R.Lakshmi Narayanan,
Addl. Govt. Pleader for R1
Mr.P.V.Selvakumar for R2

ORDER

This writ petition has been filed by Manjula, seeking a writ of mandamus, forbearing the respondents from evicting the petitioner's bunk shop situated at front side of Ramanujam I.T. City, M.G.R. University Road, Taramani, Chennai, and further direct the second respondent to grant licence to the petitioner bunk shop.

2.Heard the learned counsel for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, who takes notice on behalf of the first respondent and Mr.P.V.Selvakumar, learned counsel who takes notice for the second respondent.

3.The learned counsel for the petitioner would submit that the petitioner is a physically handicapped (differently abled) person with 70% disability and running a bunk shop at the front side of Ramanujam I.T. City, M.G.R. University Road, Taramani, Chennai for the past two years. As per Section 43 of the Persons with Disabilities (equal opportunities, Protection of Rights and Full Participation) Act, 1995, the petitioner is having statutory right to claim the right of business. While so, the second respondent is interfering with the running of bunk shop, as though the shop is an unauthorised one. Learned counsel for the petitioner would further submit that the petitioner made a representation dated 08.05.2013 to the second respondent.

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 19.07.2012, 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 07.03.2013, the second respondent cannot, all of a sudden, evict the petitioner, 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 petitioner for the existence or eviction.

6. The petitioner is a physically handicapped person and running a bunk shop at the front side of Ramanujam I.T. City, M.G.R. University Road, Taramani, 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 petitioner and take

appropriate decision, after giving notice to the petitioner. Till the Committee comes to a conclusion, the respondents are directed to maintain status-quo as on date.

7. With the above direction, the writ petition shall stand disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar
mmi

To

1. The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 6.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

1 CC to Mr.D.Devaraj, Advocate SR.No. 35674

1 CC to Mr.P.V.Selvakumar, Advocate SR.No. 35672

GJ (CO)
PSI (23.07.2015)

W.P.No.21203 of 2015

सत्यमेव जयते

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