

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 29374 of 2015

&

M.P. No. 1 of 2015

N. Siraj

..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,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
 3. The Commissioner of Police,
Vepery, Chennai - 600 007.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 14.08.2015 for issuance of licence for running bunk shop (selling tea, coffee and snacks (Foods) in hygienic manner) on the line of Ambattur Industrial Estate, Ambit Park Road (Ambit Park Road Gate), Opp. Kesavan Building, Chennai - 58.

For Petitioner :: Mr.C. Murugesan

For Respondents:: Mrs.M.E. Raniselvam,
Addl.Govt.Pleader for
R1 & R3
Mr.P.V. Selvakumar for R2

O R D E R

The petitioner seeks issuance of a Writ of Mandamus

directing the 2nd respondent to dispose of the petitioner's representation dated 14.08.2015 for issuance of licence for running bunk shop (selling tea, coffee and snacks (Foods) in hygienic manner) on the line of Ambattur Industrial Estate, Ambit Park Road (Ambit Park Road Gate), Opp. Kesavan Building, Chennai - 58.

2. The petitioner contends that he is a physically handicapped person having disability to an extent of 85%. He is running a bunk shop selling tea, coffee and snacks on the line of Ambattur Industrial Estate, Ambit Park Road (Ambit Park Road Gate), Opposite to Kesavan Building, Chennai - 58. However, according to the petitioner, the 2nd and the 3rd respondents are trying to vacate the petitioner's bunk shop without giving proper opportunity and notice to him. Hence, the petitioner gave a representation dated 14.08.2015 to respondents 1 and 2. Since the representation has not been disposed of, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Not even a scrap of paper has been produced before this Court to show that the petitioner is actually running a bunk shop. When this matter came up earlier, this Court insisted for proof in support of the claim of the petitioner and therefore, today, when the matter is taken up, a photograph showing the petitioner seated in a bunk shop has been produced. But, it does not throw any light either on the location of the shop or on the aspect whether the petitioner actually owns a bunk shop in the place in question. If really, the petitioner runs a bunk shop, then the photograph would have been taken in long shot showing the location of the shop. But, as already stated, this Court is clueless as to the actual location of the bunk shop. besides, if it is true that the petitioner had been, really running a bunk shop for the past 20 years, then some documents should be available with the petitioner to show his possession like, EB bills, other statutory dues or atleast "No Objection" certificate given by the Fire Station. No such proof has been produced to substantiate his claim, except to show that he is a physically challenged person. Physically Handicapped Persons, of course, deserve better treatment, but, it does not mean that they can occupy any place and thereafter, approach this Court and get relief. Since the petitioner has not proved that he has put up a bunk shop and that he is running the same, the prayer sought by the petitioner cannot be granted and the writ petition is dismissed. No costs. Connected M.P is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

nv

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.

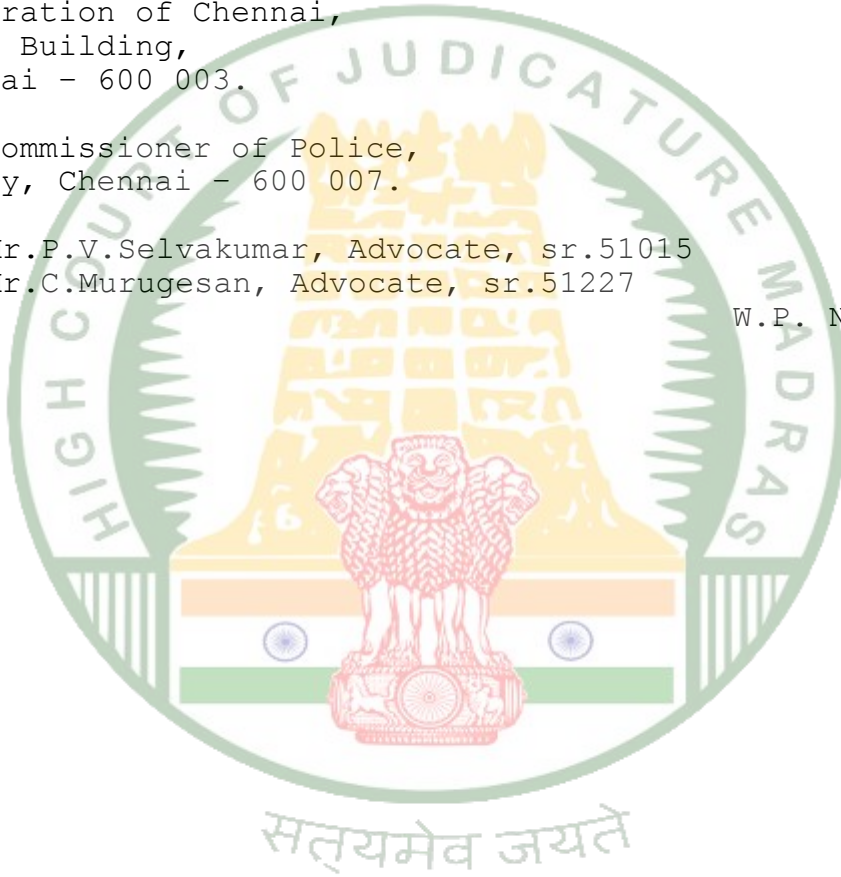
+1 cc to Mr.P.V.Selvakumar, Advocate, sr.51015

+1 cc to Mr.C.Murugesan, Advocate, sr.51227

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