

In the High Court of Judicature at Madras

Dated : 23.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.37225 to 37229 of 2015

A.Meenatchi

...Petitioner in
WP.No.37225/2015

T.Ramalingam

...Petitioner in
WP.No.37226/2015

Suguna

...Petitioner in
WP.No.37227/2015

A.Ganesan

...Petitioner in
WP.No.37228/2015

G.Kumari

...Petitioner in
WP.No.37229/2015

Vs

1.The Special Commissioner for
Handicapped, office of the State
Commissioner for Disabled,
No.15/1, Model School Road,
Chennai-6.

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

3.The Commissioner of Police,
EVR High Road, Chennai-7.

...Respondents
in
all the WPs

4.The Divisional Engineer, Highways
& Rural Works Department, Chennai-15.

...R3 in WP.Nos.
37227 & 37229/
2015

PETITIONS under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to dispose of the petitioners' individual representations respectively dated 31.7.2015, 25.9.2015, 15.6.2015, 15.9.2015 and 28.6.2015 for the issuance of bunk shop licence (i) on the line of Ambit Park Road, by the side of Kaucher Building II Gate, Opp. Prince Info Park, Ambattur Estate, Chennai-58 (ii) on the line of Parthasathypuram, by the side of No.34, Private Building, Opp. Touch Wood Flat Promoters, T.Nagar, Chennai-17 (iii) on the line of P.H.Road, by the side of Bible Society and Corner of Mint Street, Opp. Mortuary Gate, G.H.Park Town, Chennai-3 (iv) on the line of East Avenue Road, by the side of ESI Hospital Local Office Front Gate, Opp. TNSC Bank, Korattur, Chennai-80 and (v) on the line of EVR High Road, by the side of Rajiv Gandhi General Hospital, behind C-4 Police Station, Park Town, Chennai-3 for selling tea, coffee, snacks, sugar cane juice and alive foods.

For Petitioners : Mr.V.Jaisankar
For State : Mr.R.Rajeswaran, SGP
For Corporation : Mr.P.V.Selvakumar

COMMON ORDER

Mr.R.Rajeswarn, learned Special Government Pleader accepts notice for the State. Mr.P.V.Selvakumar, learned Standing Counsel accepts notice for the Corporation of Chennai. Heard the learned counsel for the petitioners. By consent, the writ petitions are taken up for final disposal.

2. The petitioners are physically challenged persons having maximum disability due to paralysis or blindness. They are running bunk shops in a particular area.

3. The grievance of the petitioners is that the police officials attempted to evict them from the respective bunk shops without giving prior opportunity. Threatened with dispossession, the petitioners sent individual representations to respondents 1 and 2. Thereafter, the petitioners have come up with the above writ petitions seeking a direction to the second respondent to consider their individual representations for the issue of a licence for running bunk shops.

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, without expressing any opinion on the merits, the writ petitions are disposed of with a direction to the second respondent to consider the representations of the petitioners respectively dated 31.7.2015, 25.9.2015, 15.6.2015, 15.9.2015 and 28.6.2015 on merits and pass appropriate orders thereon in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till such time the second respondent passes appropriate orders, the petitioners shall not be dispossessed from the respective bunk shops. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Special Commissioner for Handicapped, office of the State Commissioner for Disabled, No.15/1, Model School Road, Chennai-6.
- 2.The Commissioner, Corporation of Chennai, Chennai-3.
- 3.The Commissioner of Police, EVR High Road, Chennai-7.
- 4.The Divisional Engineer, Highways & Rural Works Department, Chennai-15.

+1 cc to Mr.P.V.Selvakumar Advocate sr.63425

+1 cc to Government Pleader sr.63577

+5 ccs to Mr.V.Jaishankar Advocate sr.63598 to 63602

WP.Nos.37225 to 37229
of 2015

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