

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.37315 of 2015

M.Bhiman

..Petitioner

Vs.

1.The Special Commissioner for Handicapped,
O/o. The State Commissioner of Disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 600 006.

2.The Commissioner, Corporation of Chennai,
O/o. Commissioner of Chennai,
Rippon Buildings, Chennai - 600 003.

3.The Commissioner of Police, Chennai City,
O/o. Commissioner of Police,
Vepery, Chennai - 600 007.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 07.08.2015 issuance of licence for running the bunk shop/canteen at No.19-A, Ramakrishnan Nagar, 2nd Street, Beach Road, Ennore, Chennai - 600 057, in the name of "Thiruchendur Murugan Tea Stall" selling tea, coffee, snacks (food items) in hygenic manner.

For Petitioner : Mr.N.Selvarajan

For Respondents 1 & 3 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent 2 : Mr.P.V.Selvakumar

ORDER

Heard the learned counsel for the petitioner ; learned Special Government Pleader accepting notice on behalf of the respondents 1 and 3 and Mr.P.V.Selvakumar, learned counsel

accepting notice on behalf of the 2nd respondent and with their consent, this writ petition is taken up for final disposal.

2 The petitioner is a physically challenged person with 70% disability on account of Post Polio Paralysis. He is running a Bunk shop at No.19-A, Ramakrishnan Nagar, 2nd Street, Beach Road, Ennore, Chennai 600 057 under the name and style of Thiruchendur Murugan Tea Stall for selling Tea, Coffee and snacks items.

3 The grievance of the writ petitioner is that the officials of the 3rd respondent have attempted to evict his bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 07.08.2015 to the respondents. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the 2nd respondent to dispose of the petitioner's representation dated 07.08.2015 for issuance of licence for running Bunk Shop.

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 07.08.2015 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.

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

AP

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The Special Commissioner for Handicapped,
O/o. The State Commissioner of Disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 600 006.

2.The Commissioner, Corporation of Chennai,
O/o. Commissioner of Chennai,
Rippon Buildings, Chennai - 600 003.

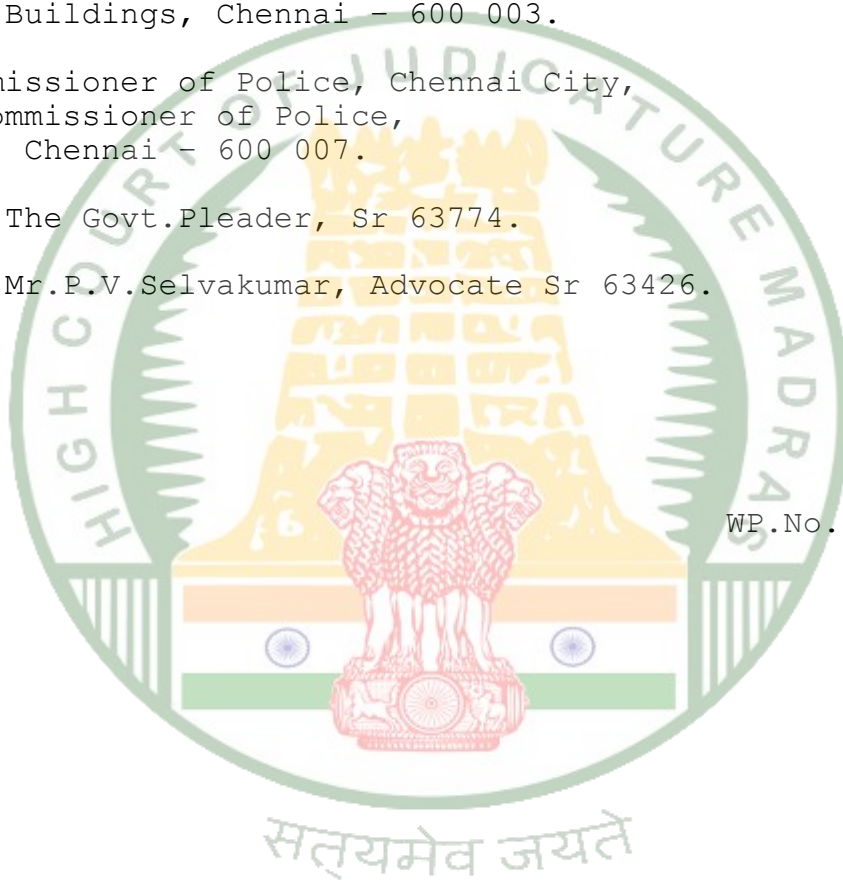
3.The Commissioner of Police, Chennai City,
O/o. Commissioner of Police,
Vepery, Chennai - 600 007.

+ 1 cc to The Govt.Pleader, Sr 63774.

+ 1 cc to Mr.P.V.Selvakumar, Advocate Sr 63426.

VSN/CO
KR/28/12

WP.No.37315/2015



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