

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16/12/2015

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.39437 of 2015

M. Janaki

...

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,
Rippon Buildings,
Chennai - 600 003.
3. The Commissioner of Police,
E.V.R.High Road
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 31/7/2015 issuance of licence for running the bunk shop on the line of Nanjambakkam in front of CMDA Parking Station, Corner of Redhills Road and Madhavaram High Road, Chennai 600 060, selling tea, coffee and allied foods.

For Petitioner

... Mr.V.Jaisankar

For respondents

... Mr.R.Rajeswaran
Spl.G.P
for R.1
Mr.P.V.Selvakumar
for R.R.2 and 3.

O R D E R

Heard the learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for the first respondent and Mr.P.V.Selvakumar for the respondents 2 and 3.

2. With the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal, at the admission stage itself.

3 The petitioner is a physically challenged person with 65% disability on account of Polio Paralysis. She is running a Bunk shop on the line of Nanjambakkam in front of CMDA Parking Station, Corner of Redhills Road and Madhavaram High Road, Chennai 600 060, selling tea, coffee and alive foods.

4 The grievance of the writ petitioner is that the officials of the third respondent have attempted to evict her bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 31/7/2015 to the first and second 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 31/7/2015 for the issuance of licence for running Bunk Shop.

5 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".

6 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 31/7/2015 to the second 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.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mvs.

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,
Rippon Buildings, Chennai - 600 003.
3. The Commissioner of Police,
E.V.R.High Road, Chennai 600 007.

1 cc to M/s.V. Jai Shankar, Advocate, Sr. 67654
1 cc to Mr.P.V. Selvakumar, Advocate, Sr. 67671
1 cc to Government Pleader, Sr. 67845

W.P.No.39437 of 2015

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