

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.Nos.12584 & 12585 of 2016

and

W.M.P.Nos.10866 & 10867 of 2016

K.Vembuli

Adjacent to Chennai Corporation Playground,
Opposite to Sri Ambika Textiles,
M.C.Road, Old Washermenpet,
Chennai - 600 021.

..Petitioner in W.P.No.12584 of 2016

P.Arumugam

Running bunk shop at
West Madha Church Street,
Opposite to St.Rayappar Church,
near Police Quarters,
Chennai - 600 013.

..Petitioner in W.P.No.12585 of 2016

Vs

1. The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai - 600 009.

2. The State Commissioner for Differently Abled,
O/o.State Commissioner for Differently Abled
J.N.Ring Road, Chennai-600 078.

3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

..Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 14.03.2016 for grant of license/permission to run bunk shop and pass order and till such time, refrain the third respondent, their officials, servants from in any manner interfering with the running of the petitioners' bunk shop at (1) Chennai Corporation Playground opposite to Sri Ambika Textiles, M.C.Road, Old Washermenpet, Chennai - 600 021 and (2) West Madha

Chruch Street, Opposite to St.Rayappar Church, near Police Royapuram Quarters, Chennai - 600 013, wherein selling tea, coffee, food and other snack items.

For Petitioners : Ms.T.Muthamilselvi
For Respondents : Mr.R.M.Muthukumar,
Government Advocate [R1 & R2]
Mr.P.V.Selvakumar [R3]

C O M M O N O R D E R

Heard learned counsel for the petitioners, learned Government Advocate accepting notice on behalf of respondents 1 and 2 and Mr.P.V.Selvakumar, learned counsel accepting notice on behalf of third respondent and with their consent, the writ petitions are taken up for final disposal.

2. Petitioners are physically challenged person with 80% disability. They are running bunk shops at (1) Chennai Corporation Playground opposite to Sri Ambika Textiles, M.C.Road, Old Washermenpet, Chennai - 600 021 and (2) West Madha Chruch Street, Opposite to St.Rayappar Church, near Police Royapuram Quarters, Chennai - 600 013, for selling Tea, Coffee and snacks items.

3. The grievance of the writ petitioners is that the officials of the third respondent have attempted to evict their bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioner has sent representations dated 14.03.2016 to the respondents. Thereafter, the petitioners have come up with the present writ petitions, seeking a direction to the third respondent to dispose of their representations dated 14.03.2016 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, the Writ Petitions are disposed of without going into the merits of the case, directing the petitioners to send one more copy of the representations dated 14.03.2016 to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On

receipt of such representations, 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. Consequently, the connected miscellaneous petitions are closed.

Till such time, the second respondent passes appropriate orders, the petitioners shall not be dis-posessed from the place.

gm

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai - 600 009.
 2. The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled
J.N. Ring Road, Chennai-600 078.
 3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- + 2 cc to Mr. T. Muthiamil Selvi, Advocate, SR 20985 20986
- + 2 cc to Mr. P. V. Selvakumar, Advocate, SR 21336 & 21335
- + 1 cc to Govt. Pleader, High Court, Madras SR 21281

cnr (co)
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