

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NO.12845 OF 2016

M.Bhama

... 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
Rippon Building, Chennai - 600 003.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the 2nd respondent to dispose of the petitioner's representation dated 30.01.2016 for issuance of Licence Bunk Shop on the line of MTH Road, Corner of Pandurangan Street, Nearby Amma Unavagam, Opp. TVS Lucas, Padi, Chennai - 50, selling Tea, Coffee and Tiffen stall.

For Petitioner : Ms.P.S.Mercy Gnanammal

For Respondents 1&3 : Mr.N.Roofus Abraham
Government Advocate

For Respondent 2 : Mr.P.V.Selvakumar

O R D E R

The petitioner is a physically challenged person with 90% disability on account of Polio Paralysis. She is running a Bunk Shop on the line of MTH Road, Corner of Pandurangan Street, Nearby Amma Unavagam, Opp. TVS Lucas, Padi, Chennai - 50, for selling Tea, Coffee and Tiffen.

2.The grievance of the writ petitioner is that the officials of the third respondent have attempted to evict her bunk shop without giving any opportunity. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 30.01.2016 to the first respondent. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the second respondent to dispose of the representation submitted by her dated 30.01.2016 for issuance of Licence for running Bunk Shop.

3.Heard learned counsel appearing for the petitioner and learned counsels appearing for the respondents and perused the materials placed on record.

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 30.01.2016 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. Till such time, the second respondent passes appropriate orders, the petitioner shall not be dis-possessed from the place. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

TK

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
Rippon Building, Chennai - 600 003.

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

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.21610

+1cc to Mr.N.A.Sadique, Advocate, S.R.No.22101

+1cc to the Government Pleader, S.R.No.22201

W.P.NO.12845 OF 2016

AD(CO)
CA(12/04/2016)



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