

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.13246 of 2016

and

W.M.P.No.11629 of 2016

P.Saikumar

running petty shop near No.29,
Corporation Allotment Shop,
Near Rajarani Dresses,
Near Broadway Bus Stand,
New China Bazaar,
Near Corporation Electricity Office,
Chennai - 600 079.

...Petitioner

Vs

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

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

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

..Respondents

Writ Petition 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 31.03.2016 for grant of license/permission to run the petty shop and pass order and till such time, forbear the third respondent, their officials, servants from in any manner interfering with the running of the petitioner's petty shop near No.29, Corporation Allotment Shop, Near Rajarani Dresses, Near Broadway Bus Stand, New China Bazaar, Near Corporation Electricity Office, Chennai - 600 079, wherein selling ready made dresses and garment items.

For Petitioner : Ms.T.Muthamilselvi

For Respondents: Mr.R.Rajeswaran
Special Government Pleader [R1 & R2]
Mr.P.V.Selvakumar [R3]

O R D E R

Heard learned counsel for petitioner and Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice for respondents 1 and 2 and Mr.P.V.Selvakumar, learned counsel, accepting notice on behalf of third respondent and with their consent, the writ petition is taken up for final disposal.

2. Petitioner is a physically challenged person with 80% disability. He is running a petty shop near No.29, Corporation Allotment Shop, Near Rajarani Dresses, Near Broadway Bus Stand, New China Bazaar, Near Corporation Electricity Office, Chennai - 600 079, for selling ready made dresses and garment items.

3. The grievance of the writ petitioner is that the officials of the third respondent have attempted to evict his petty shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioner has sent representation dated 31.03.2016 to the respondents. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the third respondent to dispose of his representation dated 31.03.2016 for issuance of licence for running petty 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 Petition is disposed of without going into the merits of the case, directing the petitioner to send one more copy of the representation dated 31.03.2016 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 representation, the third 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 petition is closed.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The State Commissioner for Differently Abled,
O/o.State Commissioner for Differently Abled
J.N.Ring Road, Chennai-600 078.
- 2.The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai - 600 009.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

1 cc to Mrs.T. Muthamil Selvi, Advocate, 22181
1 cc to Mr.P.V. Selvakumar, Advocate, Sr. 22628

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