

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.13679 of 2016

&

WMP.No.11967 of 2016

P.K.Aswath

.. Petitioner

Vs

1. The State Commissioner for Differently Abled,
O/o.State Commissioner for Differently Abled
J.N.Ring Road, Chennai-600078.
2. The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai 600009.
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 09.04.2016 for grant of license/permission to run bunk shop, and pass orders, and till such time, to forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near Cinetech Tower, near Museum, New No.91, Old No.59, Pantheon Road, Down to Bridge, Egmore, Chennai 600008, wherein, the petitioner is selling tea, coffee and other snacks.

For Petitioner : Ms.T.Muthamilselvi
For Respondents 1 and 2 : Mr.M.L.Mahendran
Government Advocate

For Respondent 3 : Mr.P.V.Selvakumar
Standing Counsel

ORDER

Heard Ms.T.Muthamilselvi, the learned counsel for the petitioner, Mr.M.L.Mahendran, learned Government Advocate, accepting notice on behalf of the respondents 1 and 2 and Mr.P.V.Selvakumar, learned Standing Counsel, accepting notice on behalf of the 3rd respondent and with their consent, this Writ Petition is taken up for final disposal.

2. The petitioner is a physically challenged person. He is running a Bunk shop near Cinetech Tower, near Museum, New No.91, Old No.59, Pantheon Road, Down to Bridge, Egmore, Chennai 600008, selling Tea, Coffee and snacks and other allied items.

3 The grievance of the 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 09.04.2016 to the third respondent. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the third respondent to dispose of his representation, dated 09.04.2016, which has been made for issuance of licence for running Bunk Shop.

4 As per the orders of the Hon'ble 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 by this Court directing the Corporation to consider the cases of physically challenged persons in view of Section 43 of Persons with disabilities (equal opportunities, protection of rights and full participation Act) 1995.

5 Thus, 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 09.04.2016 to the 3rd 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.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sd

To:

1. The State Commissioner for Differently Abled,
O/o.State Commissioner for Differently Abled
J.N.Ring Road, Chennai-600078.
2. The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai 600009.
3. The Commissioner,
Corporation of Chennai,
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1 cc to Ms.T. Muthamil selvi, Advocate, Sr. 23364

1 cc to Mr.P.V. Selvakumar, Standing counsel, Sr. 23271

W.P.No.13679 of 2016

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