

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.14482 of 2016

and

W.M.P.No.12669 of 2016

M.Manjula

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Social Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
3. The District Collector,
Chennai District, Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to allot one Bunk shop to the petitioner under disabled persons quota at opposite to J.J.Kalyanamandapam, Kamarajar Salai, Raja Annamalaipuram, Chennai 600 028.

For Petitioner : Mr.K.K.Senthilvelan

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

For Respondent- 2 : Mr.P.V.Selvakumar
Standing Counsel

ORDER

Heard Mr.K.K.Senthilvelan, the learned counsel for the petitioner, Mr.N.Roofus Abraham, learned Government Advocate, accepting notice on behalf of respondents 1 and 3 and Mr.P.V.Selvakumar, learned Standing Counsel accepting notice on behalf of second respondent and with their consent, this writ petition is taken up for final disposal, at the stage of admission.

2. The petitioner has filed this Writ Petition seeking for issuance of a writ, in the nature of mandamus, directing the respondents to allot one Bunk shop to her, under disabled persons quota, opposite to J.J.Kalyanamandapam, Kamarajar Salai, Raja Annamalaipuram, Chennai 600 028.

3. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition is that, she is a physically challenged person with 90% disability, and she is hailing from a poor family, and her father is running a small cycle repair shop, opposite to J. J. Kalyanamandapam, Kamarajar Salai, Raja Annamalaipuram, Chennai. It is further stated that the petitioner's father made a representation to the Chief Minister's Cell to permit the petitioner to run the cycle shop at the aforementioned place. On receipt of the representation, the Special Officer of Chief Minister's Grievance Cell asked the petitioner to approach the second respondent/Corporation of Chennai. Accordingly, the petitioner's father approached the second respondent, and requested him to allot one bunk shop. Since no action has been taken by the second respondent with regard to petitioner's prayer, the petitioner is before this Court, with this Writ Petition.

4 As per the orders of the Hon'ble First Bench of this Court, a direction was issued to the Corporation of Chennai to allot 5% of the shops for physically challenged persons. In the light of the order passed by the Hon'ble First Bench, number of Writ Petitions were disposed of by this Court, directing the Corporation to consider the cases of physically challenged persons in terms of Section 43 of the 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 29.1.2016 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 is directed to 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 the second respondent passes appropriate orders on the petitioner's representation, neither the petitioner nor her father shall be dis-possessed from the place, where, they are

running their cycle shop. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sd

To

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Social Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
3. The District Collector,
Chennai District, Chennai.

1 cc to Government Pleader, Sr. 24565
1 cc to Mr.P.V.Selvakumar, advocate, Sr. 24316
1 cc to Mr.k.K. Senthilvelan, Advocate, Sr. 24406

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PPA (CO)
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