

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

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

W.P.No.14547 of 2016

&

WMP.No.4389/2016

Ms.K.Tamil Selvi

.. Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary,
Local Administration Department
Fort St George, Chennai 600009.
 2. The State Commissioner for Differently Abled,
J.N.Ring Road, Chennai-600078.
 3. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pass orders on petitioner's representation dated 04.01.2016 for grant of license to run bunk shop, on merits, within the time that may be stipulated by this Court, and until finalization of the same, to forbear respondents from in any manner interfering with the active functioning of the petitioner's bunk shop, situated at Velachery Main Road, (Opp. to Adayar Ananda Bhavan) Little Mount, Chennai - 600 015.

For Petitioner : Mr.L.Chandrakumar
For Respondents 1 and 2 : Mr.R.Rajeswaran
Special Government Pleader
For Respondent 3 : Mr.P.V.Selvakumar
Standing Counsel

ORDER

Heard Mr.L.Chandrakumar, the learned counsel for the petitioner ; Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the respondents 1 and 2, and Mr.P.V.Selvakumar, learned 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 of visual impairment, assessed as 40% disability. She is running a Bunk shop Velachery Main Road, (Opp. to Adayar Ananda Bhavan) Little Mount, Chennai - 600 015, for selling Tea, Coffee and snacks items.

3 The grievance of the writ petitioner is that the officials of the 3rd respondent have attempted to evict her bunk shop and to dislodge the

same terming it as unauthorized. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 04.01.2016 to the respondents 2 and 3. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to respondents to dispose of her representation dated 04.01.2016, made for issuance of licence for running Bunk Shop, on merits, and till orders are passed thereon, to forbear the respondents from in any manner interfering with the active functioning of the 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, 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 04.01.2016 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.

20.04.2016

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To

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T.S.Sivagnanam,J.,

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