

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NO.15094 OF 2016

AND WMP NO.13156 OF 2016

Kalaigarnar

.. Petitioner

Vs.

1.The State Commissioner
for Differently Abled
Office of the State Commissioner of Differently Abled
J.N.Ring Road,
Chennai - 600 078.

2.The Secretary to Government
Local Administration Department
Government of Tamil Nadu
Fort St. George,
Chennai - 600 079.

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

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 05.04.2016 for grant of license / permission to run continue to run the petty shop and till such time, forbear the third respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near Fountain Plaza Gate, Pantheon Road, Egmore, Chennai - 600 008, wherein selling tea, coffee and food items.

For Petitioner : Mr.R.Kamaraj
For Respondents 1&2 : Mr.N.Roofus Abraham
Government Advocate
For Respondent 3 : Mr.P.V.Selvakumar

O R D E R

The petitioner is a physically challenged person and he is running a Bunk Shop near Fountain Plaza Gate, Pantheon Road, Egmore, Chennai - 600 008, wherein selling tea, coffee and food items.

2.The grievance of the writ petitioner is that the officials of the third respondent have attempted to evict his bunk shop without giving any opportunity. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 05.04.2016 to the respondents. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the third respondent to dispose of the representation submitted by him dated 05.04.2016 for issuance of Licence for running Bunk Shop.

3.Heard the learned counsel appearing for the petitioner and learned counsels appearing for the respondents and perused the materials placed on record. With their consent, this writ petition is taken up for final disposal, at the admission stage itself.

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 05.04.2016 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The State Commissioner,
for Differently Abled,
Office of the State Commissioner of Differently Abled,
J.N.Ring Road, Chennai - 600 078.
- 2.The Secretary to Government,
Local Administration Department ,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 079.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

+1cc to Mr.R.Kamaraj, Advocate sr.25556
+1cc to Mr.P.V.Selvakumar, Advocate sr.25495

W.P.NO.15094 OF 2016

kk (CO)
srg (03/05/2016)

WEB COPY