

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.Nos.15405 to 15408 OF 2016

Balavesamuthu ..Petitioner in W.P.No.15405 of 2016  
S.Kannan ..Petitioner in W.P.No.15406 of 2016  
O.Kumaravel ..Petitioner in W.P.No.15407 of 2016  
A.Koyambu ..Petitioner in W.P.No.15408 of 2016

Vs

- 1 The Special Commissioner  
For Handicapped  
O/o.State Commissioner for Disabled  
No.15/1 Model School Road  
Thousand Lights, Chennai-600 006.
- 2 The Commissioner  
Corporation of Chennai  
Rippon Building, Chennai-600 003.
- 3 The Commissioner of Police  
E.V.R. High Road  
Chennai-600 007.

[RESPONDENTS]

- 3 The Managing Director,  
Chennai Metropolitan Development Authority,  
Egmore, Chennai-8. ..R3 in W.P.No.15408 of 2016
- 3 The Divisional Engineer,  
Highways and Rural Works Department,  
Chennai-35. ..R3 in W.P.No.15406 of 2016

Prayer in W.P.NO.15405 OF 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the second respondent to dispose of the petitioner representation dated 31.3.2016 for issuance of Licence Bunk Shop on the line of Ambattur Nagaratchi, Near by Dunlop Bus Stand, Opp Dunlop Play Ground, Ambattur, Chennai-600 058, selling Tea, Coffee and alive Foods.

Prayer in W.P.NO.15406 OF 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the second respondent to dispose of the petitioners representations dated 15.3.2016 for issuance of Licence Bunk Shop on the line of Poonamallee High Road, by the side of L & T Company Complex, Ramapuram, Chennai 600 089, selling Tea, Coffee and alive Foods.

Prayer in W.P.NO.15407 OF 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the second respondent to dispose of the petitioners representations dated 02.3.2016 for issuance of Licence Bunk Shop on the line of Parrate Road, by the side of vacant ground (Army), Opp. Jothy Theatre, St.Thomas Mount, Chennai 16, selling Tea, Coffee and alive Foods.

Prayer in W.P.NO.15408 OF 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the second respondent to dispose of the petitioners representations dated 15.10.2016 for issuance of Licence Bunk Shop on the line of Kaligambal Koil street, by the side of Flower Market, Corner of Koyambedu Market A Road, Opp. Chennai Metro Water, Chennai 107, selling Tea, Coffee and alive Foods.

For Petitioners : Ms.P.S.Mercy Gnanammal

For Respondents : Mr.R.Rajeswaran  
Spl. Govt. Pleader (R1 and R3)

Mr.P.V.Selvakumar (R2)

#### COMMON ORDER

The petitioners are physically challenged persons and they Are running Bunk Shops in different places in Chennai, viz. Ambattur, Ramapuram, St.Thomas Mount and on the line of Kaligambal Koil Street, for selling Tea, Coffee and other snack items.

2. The grievance of the writ petitioners is that the officials of the 3<sup>rd</sup> respondent have attempted to evict their bunk shops without giving prior opportunity. Threatened with dispossession by the respondents, the petitioners have sent representations dated 31.3.2016, 15.3.2016, 02.3.2016 & 15.10.2016, respectively to the second respondent. Thereafter, the petitioners have come forward with these writ petitions, seeking a direction to the 2<sup>nd</sup> respondent to dispose of their representations dated 31.3.2016, 15.3.2016, 02.3.2016 & 15.10.2016, for issuance of Licence for running Bunk Shops.

3. Heard learned counsel appearing for the petitioners and learned counsels appearing for the respondents and perused the materials placed on record.

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, these Writ Petitions are disposed of without going into the merits of the case, directing the petitioners to send one more copy of the representations dated 31.3.2016, 15.3.2016, 02.3.2016 & 15.10.2016, to the 2<sup>nd</sup> respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, 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. No costs.

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

rpa

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

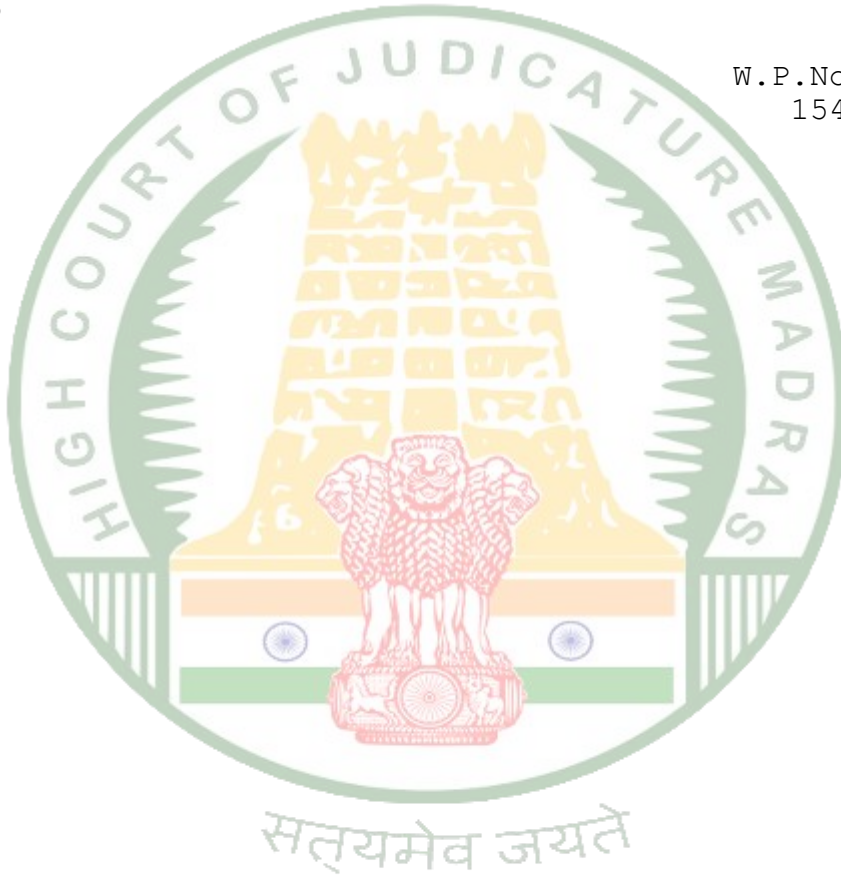
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5. The Divisional Engineer,  
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Chennai-35.

+ 4 ccs to M/s.N.A.Sadique, Advocate Sr Nos. 25790 to 25793

KR/28/4/16

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