

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

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

W.P.No.15580 of 2016

&

WMP.No.13548 of 2016

Mr.K.Ashok Kumar

Petitioner

Vs

1 The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled,
Nehru Inner Ring Road, K.K.Nagar, Chennai-600078.

2. 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 second respondent to consider and pass orders on petitioner's representation dated 23.03.2016 in the light of the order passed in W.P.No.30348 of 2011 batch, dated 05.11.2012, and till final decision is taken, not to disturb the running of the petitioner's shop situated opposite to Padi Lucas, Near Saravana Store, M.T.H.Road, Chennai -600 050, by selling coffee, tea, and allied food items.

For Petitioner : Mr.A.Singaravelu

For Respondent-1 : Mr .N.Roofus Abraham
Government Advocate

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

ORDER

Heard Mr.A.Singaravelu, the learned counsel for the petitioner ; Mr.N.Roofus Abraham, learned Government Advocate, accepting notice on behalf of first respondent, and Mr.P.V.Selvakumar, learned 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 is a physically challenged person with 85% disability. He is running a Bunk shop opposite to Padi Lucas, Near Saravana Store, M.T.H.Road, Chennai -600 050, for the last six years, by selling coffee, tea, and allied food items.

3 The grievance of the petitioner is that the officials of the second respondent have attempted to evict the bunk shop. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 23.03.2016 to the respondent No.2. Thereafter, the petitioner has come up with the present writ petition, seeking for a direction to the second respondent to consider and pass orders on his representation, dated 23.03.2016, made for issuance of licence for running Bunk Shop, on merits, and till orders are passed thereon, the petitioner shall not be dispossessed of the shop.

4 As per the decision 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 of Chennai 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 23.03.2016 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. No costs. Consequently, the connected miscellaneous petition is closed.

6 Till final orders are passed by the second respondent, the petitioner shall not be dis-possessed from the place.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1 The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled,
Nehru Inner Ring Road, K.K.Nagar, Chennai-600078.

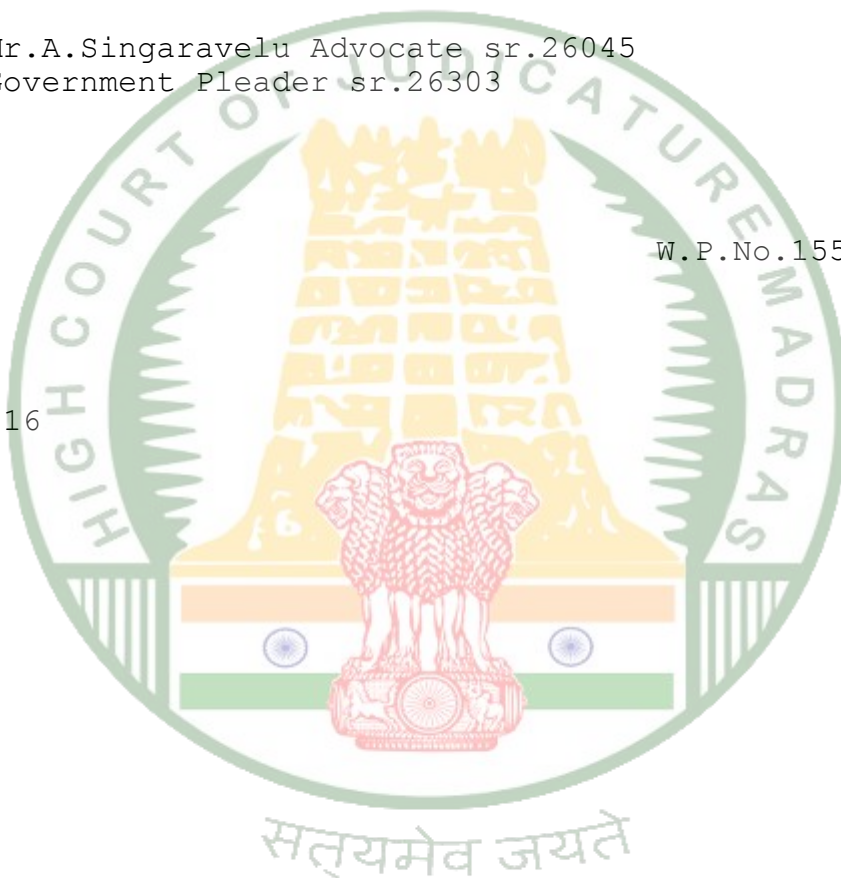
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.

+1 cc to Mr.A.Singaravelu Advocate sr.26045

+1 cc to Government Pleader sr.26303

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