

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.15742 OF 2016
AND WMP NO.13669 OF 2016

Kasina Begum

.. Petitioner

Versus

- 1.The District Collector
Chennai District
Singaravelar Maaligai
Chennai - 600 001.
 - 2.The District Employment Officer
District Employment Office
Santhome High Road,
Chennai.
 - 3.The District Disabled Rehabilitation Officer
DMS Compound,
Chennai - 600 006.
 - 4.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.
 - 5.The Executive Engineer
Zonal Office - IX
Corporation of Chennai
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.
- .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records in order dated 15.03.2016 in Proceedings Z.O.IX.C.No./861/2016 on the file of the fifth respondent and directing the respondents to consider the representation dated 02.09.2015 of the petitioner and grant permission or license to the petitioner to erect a bunk shop in the category of disabled person at any place in the limit of Corporation of Chennai.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.R.Rajeswaran
1 to 3 Special Government Pleader

For Respondents : Mr.K.Soundararajan
4 and 5

O R D E R

Heard Mr.R.Rajarajan, learned counsel appearing for the petitioner; Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the respondents 1 to 3 and Mr.K.Soundararajan, learned counsel accepting notice on behalf of the respondents 4 and 5. With the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2.The petitioner has filed this writ petition seeking to quash the order dated 15.03.2016 passed by the fifth respondent, by which, the petitioner's representation, for putting up a Bunk Shop, near Government Royapettah Hospital, Royapettah, Chennai - 600 014, has been rejected, as it causes hindrance to the free flow of traffic and pedestrians.

3.The learned counsel for the petitioner, during the course of argument, based on the instruction given by his client, submitted that the petitioner does not want to erect the Bunk Shop, in any particular location and the petitioner is willing to locate the Bunk Shop, in any place, which the respondent Corporation may approve.

4.The learned counsel for the respondent Corporation submitted that if such is the representation made by the petitioner, she could very well approach the fifth respondent, by way of fresh representation.

5.In the light of the above, while upholding the impugned proceedings, liberty is granted to the petitioner, to submit a fresh representation to the fifth respondent seeking permission to put up a Bunk Shop and the fifth respondent shall examine the said representation on its individual merits and in accordance with law, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

TK

To

- 1.The District Collector
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Corporation of Chennai
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.
- 1 cc to M/s.G. Rajan, Advocate, Sr. 26232
1 cc to M/s. K. Soundararajan, Advocate, SR. 26555
1 cc to Government Pleader, SR. 26790

W.P.NO.15742 OF 2016

MP (CO)
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