

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.Nos.16129 & 16130 OF 2016 &
WMP Nos. 13933 & 13934 of 2016

Uma Devi .. Petitioner in W.P.No.16129 of 2016

Venkatesan .. Petitioner in W.P.No.16130 of 2016

Vs

- 1 The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St. George
Chennai-600 009.
- 2 The State Commissioner for
Differently Abled
O/o. State Commissioner for Differently Abled
J.N.Ring Road, Chennai-600 078
- 3 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003. .. Respondents in both W.Ps

Prayer in W.P.No.16129 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the third respondent to consider the petitioner representation dated 23.04.2016 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 bunk shop (Moving Type) Near Opposite to Ramanujam IT Park, Taramani, Chennai-600 113, wherein selling Tiffin and Meals items.

Prayer in W.P.No.16130 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the third respondent to consider the petitioner representation dated 23.04.2016 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 bunk shop (Moving Type) Near Tidel Part Gate, Rajiv Gandhi Road (OMR), Taramani, Chennai-600 113, wherein selling Tiffin and Meals items.

For Petitioners : Ms.T.Muthamil Selvi

For Respondents : Mr.R.Rajeswaran
Spl. Govt. Pleader (R1 and R2)

Mr.P.V.Selvakumar (R3)

C O M M O N O R D E R

Heard Ms.T.Muthamil Selvi, learned counsel appearing for the petitioners, Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of respondents 1 & 2 and Mr.P.V.Selvakumar, learned counsel accepting notice for the third respondent. With the consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2.The petitioners are physically challenged persons and they are running Bunk Shops in Taramani, Chennai, by selling Tiffin and Meals items.

3. The grievance of the writ petitioners is that the officials of the third respondent have attempted to evict their bunk shops, without giving prior opportunity. Threatened with dispossession by the respondents, the petitioners have sent representations dated 23.04.2016, to the third respondent. Thereafter, the petitioners have come forward with these writ petitions, seeking direction to the third respondent to dispose of their representations dated 23.04.2016, for issuance of Licence for running Bunk Shops.

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

5. 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".

6. In the light of the above, without going into the merits of the case, the petitioners are directed to send one

more copy of the representations dated 23.04.2016, to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, 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. There will be a further direction to the third respondent to verify whether the petitioners are running bunk shops in the said premises and if the petitioners are already running the shops, they shall not be dispossessed from the said place, till the third respondent passes appropriate orders.

The Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.
rpa

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government
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O/o. State Commissioner for Differently Abled
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- 3 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003

+ 1 cc to Govt.Pleader SR 27325

+ 1 cc to Mr.P.V.Selvakumar, Advocate SR 27757

1 cc to Mrs. T. Muthamil Selvi, Advocate, Sr. 26736 (10/5/2016)

nr(co)

prk6/5

W.P.Nos.16129 & 16130 OF 2016