

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2016

CORAM

THE HONOURABLE Mr. JUSTICE N.KIRUBAKARAN

W.P.No.17371 of 2016
and
WMP.No.14843 of 2016

P.Muthu Lakshmi

... Petitioner

Vs.

1.The Commissioner,
State Commissioner for Differently Abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

2.The Commissioner,
Corporation of Chennai,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondents to consider and issue permit to the petitioner to carry the petty shop at Opposite side of Heritage Super Market, Nolambur Main Road, Mugappair West, Chennai - 600 037 for his rehabilitation, for which the petitioner has made representations dated 12.03.2016 to the 1st and 2nd respondent.

For Petitioner : Mr.C.Jayaprakash

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.A.Nagarajan for R2

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O R D E R

This writ petition is a classic example of the racket going on in the City of Chennai, where some unscrupulous persons, by making use of the physical disability of physically challenged persons, file writ petitions and get an order for the purpose of opening a shop near important junctions, offices and malls for their unjust enrichment. These kind of petitions have been filed regularly before this Court, and some times, this Court, being swayed away by the

position of such physically handicapped persons, has magnanimously passed orders.

2. The petitioner herein is said to be a physically handicapped person with 65% disability. According to the petitioner, she is unable to do any job and therefore, she has been running a petty shop on the road side, opposite Heritage Super Market, Nolambur Main Road, Chennai, without causing any hindrance to the public. However, the Corporation authorities and Police are restraining the petitioner from running the petty shop. Therefore, the petitioner made a representation on 12.03.2016 to the respondents seeking permission to permit the petitioner to run a petty shop opposite Heritage Super Market. The said representation was not considered, which compelled the petitioner to approach this Court by way of this writ petition.

3. Heard Mr.C.Jayaprakash, learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and Mr.A.Nagarajan, learned counsel for the second respondent.

4. A perusal of the documents filed before this Court would go to show that except documents to show that the petitioner is a physically handicapped person, nothing has been filed to establish that she has been running a petty shop. Similarly, it is admitted by the petitioner herself in Paragraph 4 of the affidavit that she is running a petty shop on the road side of Nolambur Main Road.

5. Roads are meant for vehicles and road margin and platforms are meant for pedestrians and it cannot be misused by opening a petty shop or bunk shop. Only in main places, these kinds of shops are sought to be opened. If any order is given directing the authorities either to consider the representation of the petitioner or grant permission, it will be against public interest. As already observed, for smooth flow of traffic and for safe passage of pedestrians, no shop can be allowed to be opened, either on the road side or on the platform or on the road margin. Therefore, the writ petition is liable to be dismissed.

The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

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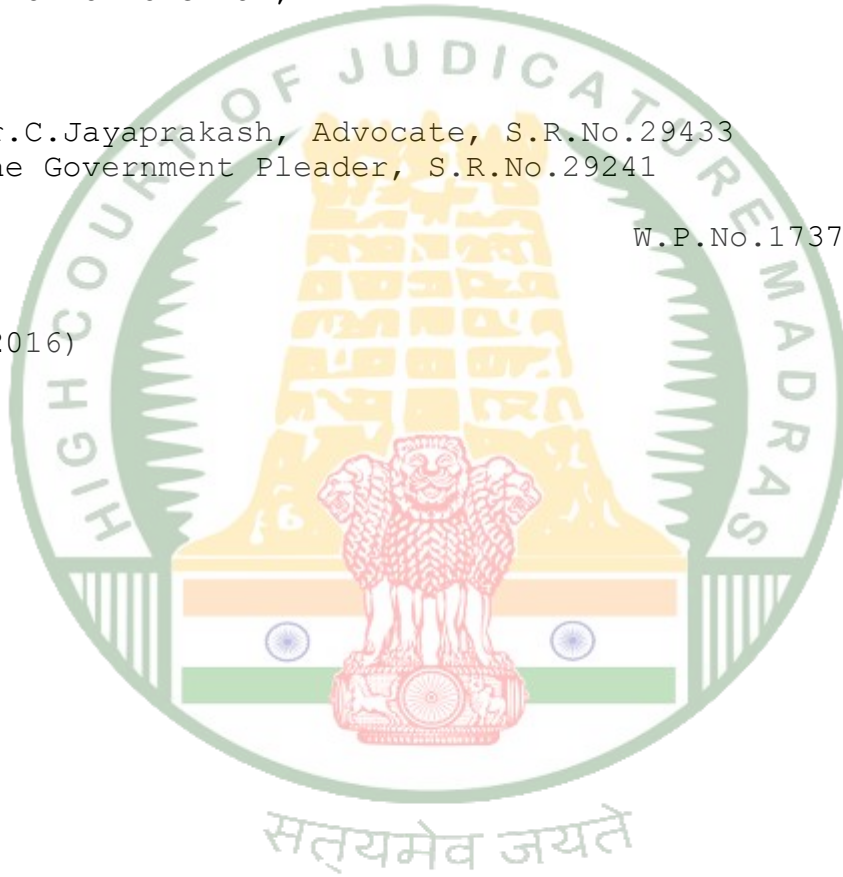
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State Commissioner for Differently Abled,
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2.The Commissioner,
Corporation of Chennai,
Chennai.

+1cc to Mr.C.Jayaprakash, Advocate, S.R.No.29433
+1cc to the Government Pleader, S.R.No.29241

W.P.No.17371 of 2016

RV(CO)
CA(20/06/2016)



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