

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 17485 of 2016

S. Nagarajan

..Petitioner

Vs.

1. The Special Commissioner for Handicapped,
Office of the State Commissioner for Disabled,
No. 15/1, Model School Road,
Thousand Lights, Chennai 600 006.

2. The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

3. The Zonal Officer - VII,
No. 536,
Chennai Thiruvalluvar
Highway Road,
Ambattur, Chennai 600 053.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 16.03.2016 in accordance with law, after affording an opportunity to the petitioner.

For Petitioner :: Mr.K. Shyamsunder

For Respondents :: Mr.RM. Muthukumar,
Govt. Advocate for R1
Mr.A. Nagarajan
for R2 & R3

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 16.03.2016 in accordance with law, after affording an opportunity to the petitioner.

2. The petitioner, who is said to be a physically disabled person, claims that he is running a small tea shop near "Saravana Stores", Paadi, Ambattur, Chennai. Since the 2nd respondent tried to evict the petitioner from his bunk shop, he gave a representation to the 1st respondent on 16.03.2016 forwarding a copy of the same to the 2nd respondent. However, no orders have been passed on the said representation. Hence, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel on either side.

4. There are no details, whatsoever, with regard to the so-called, tea shop, said to be run by the petitioner near "Saravana Stores", Paadi, Ambattur, Chennai. Moreover, the said "Saravana Stores", Padi, has only been recently inaugurated. Whenever a new shopping mall or complex is opened, it has become a habit for persons like the petitioner to approach this Court, claiming falsely that they are running a tea shop or petty shop, and try to get favourable orders from this Court, for running their business in such public places. Sometimes, the trick of persons like the petitioner also works as it happened in the case of one S.V. Arokiyanathan and others (W.P. Nos. 5771 to 5775 of 2015), wherein, this Court, by order dated 04.03.2015, directed the respondents therein to dispose of the representations within a time frame, after giving an opportunity to the petitioners therein and in the meantime, it was directed that they shall not be dispossessed. It has become a routine affair that persons, claiming themselves to be physically disabled, approaching this Court, with a prayer seeking permission to have a petty shop or a tea shop in the road margins or in the platforms in important junctions of the city or near the shopping malls. Road Margins and Platforms are meant for pedestrians and there cannot be any hindrance for free movement of public like locating petty shops. The petitioner does not have any right to run a shop either on platforms or on road margins. The prayer sought by the petitioner is against public interest. Hence, the writ petition, which is nothing but misuse and abuse of process of law, is liable to be dismissed and it is accordingly dismissed. No costs. Connected W.M.P. is closed.

nv

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Special Commissioner for
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for Disabled,
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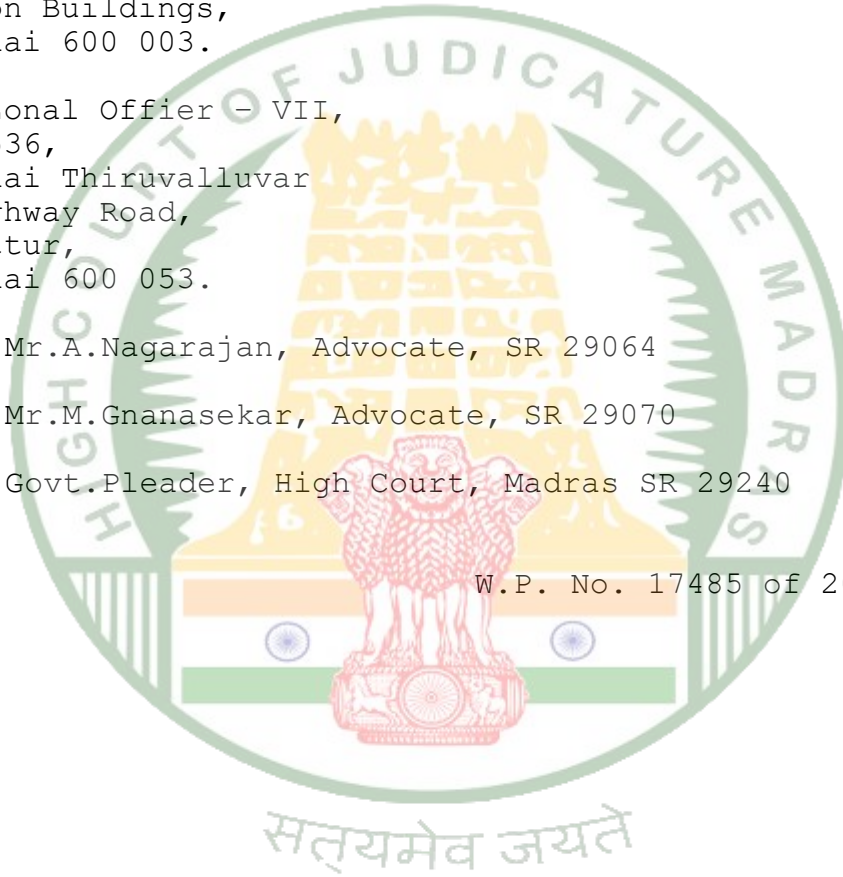
+ 1 cc to Mr.A.Nagarajan, Advocate, SR 29064

+ 1 cc to Mr.M.Gnanasekar, Advocate, SR 29070

+ 1 cc to Govt.Pleader, High Court, Madras SR 29240

rsy(co)
prk10/8

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