

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 2510 of 2014

Miss. Syathammal

..Petitioner

Vs.

1. The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights,
Chennai - 600 006.
 2. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to issue licence for the bunk shop for selling tea and coffee at Halls Road adjacent to Children's Hospital, Egmore, Chennai - 600 008.

For Petitioner :: Mr.Christopher Kishore Vincent

For Respondents:: Mr.RM. Muthukumar,
Govt. Advocate for R1
Mr.P.V. Selvakumar for R2

ORDER

The petitioner, who claims to be a physically handicapped person, has filed the writ petition for issue of a Writ of Mandamus directing the 2nd respondent to issue licence for the bunk shop for selling tea and coffee at Halls Road, adjacent to Children's Hospital, Egmore, Chennai - 8.

2. The petitioner contends that she is running a bunk

shop selling tea and coffee at Halls Road adjacent to Children's Hospital, Egmore, Chennai - 600 008. The petitioner approached the 2nd respondent to issue an application for grant of licence. However, the 2nd respondent, has not, so far, issued any application and instead, according to the petitioner, he is interfering with her business. Hence, the petitioner is before this Court for the relief aforesaid.

3. Heard Mr. Christopher Kishore Vincent, learned counsel for the petitioner, Mr.RM. Muthukumar, learned Government Advocate for the 1st respondent and Mr.P.V. Selvakumar, learned counsel for the 2nd respondent.

4. Though the petitioner contends that she is carrying on business in the said place, there is nothing available on record to substantiate the said claim. The petitioner seeks licence to have her bunk shop, at an important location adjacent to Children's Hospital, Egmore, Chennai. Road Margins are meant for pedestrians and not for locating bunk shops or any other shop. If such bunk shops are allowed to come up on road margins and important junctions, then, eventually, people will have to walk on the road, affecting the free flow of traffic, resulting in accidents. The petitioner does not have any statutory right much less any right to seek a mandamus as prayed for. If such a direction is issued, then it will definitely go against public interest. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, MP No.1 of 2014 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

nv

To

1. The State Commissioner for
Differently Abled,
O/o. State Commissioner for
Differently Abled,
No.15/1, Model School Road,
Thousand Lights,
Chennai - 600 006.

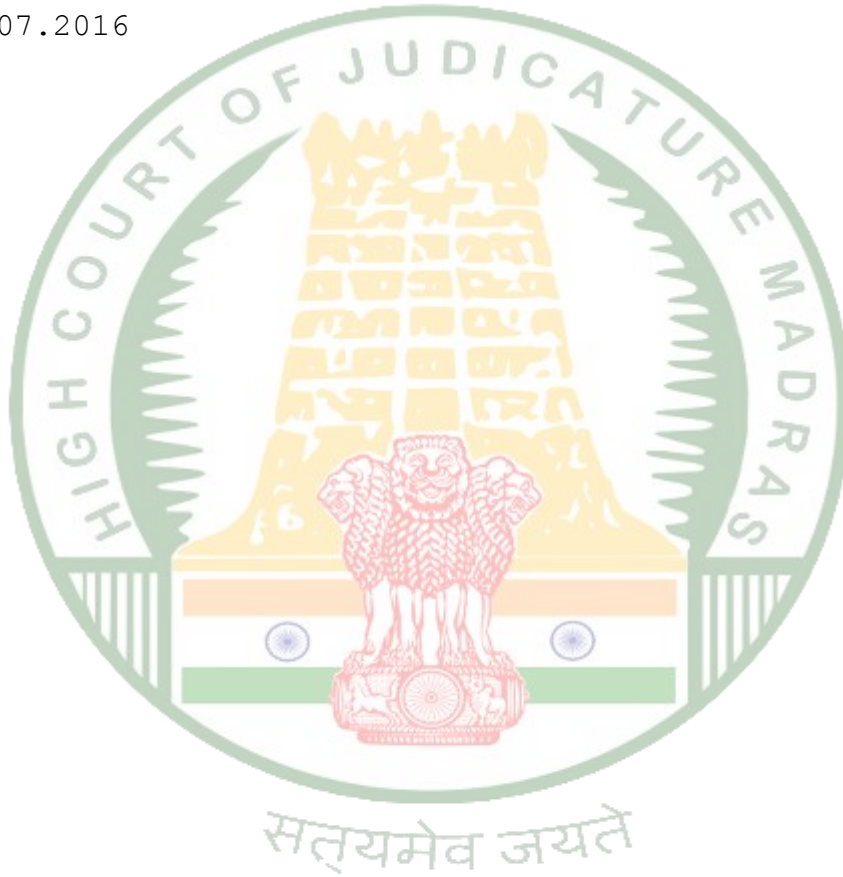
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2. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.

1 cc to The Government Pleader, sr.38022

W.P. No. 2510 of 2014

mp co
kra 26.07.2016



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