

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18128 of 2016

&

W.M.P. No. 15892 of 2016

Appaji ...Petitioner

Vs.

1. The State Commissioner for
Differently Abled,
O/o. State Commissioner for
Differently Abled,
J.N. Ring Road,
Chennai 600 078.
 2. The Secretary to Government,
Local Administration Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
 3. The Commissioner,
Corporation of Chennai,
Rippon 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 3rd respondent to consider the petitioner's representation dated 07.05.2016 for grant of license/permission to run bunk shop and pass orders and till such time, forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near Siva Park Entrance, near Bus stop, No.15, Kalinga Colony, P.T. Rajan Salai, K.K. Nagar, Chennai 600 078, wherein selling tea, coffee, food and other snacks.

For Petitioner :: Mr.R. Kamaraj
For Respondents :: Mr.P. Sanjay Gandhi,
 Addl. Govt. Pleader for R1 & R2
 Mr.Arunmozhi for R3

O R D E R

Mr.P. Sanjay Gandhi, learned Additional Government Pleader takes notice for R1 and 2 and Mr.Arunmozhi, learned counsel takes notice for R3.

2. This writ petition is filed for issue of a Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 07.05.2016 for grant of license/permission to run bunk shop and pass orders and till such time, forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near Siva Park Entrance, near Bus stop, No.15, Kalinga Colony, P.T. Rajan Salai, K.K. Nagar, Chennai 600 078, wherein he is selling tea, coffee, food and other snacks.

3. It is brought to the notice of this Court that in similar circumstances, in W.P. No. 15092 of 2016, this Court, by order dated 25.04.2016, disposed of the writ petition as hereunder:

"4. 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.

5. In the light of the above, this writ petition is disposed of, without going into the merits of the case, directing the petitioner to send one more copy of the representation dated 05.04.2015 to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. Till such time, the second respondent passed appropriate orders, the petitioner

shall not be dispossessed from the place...."

4. Following the above order passed by this Court, the writ petition is disposed of, without going into the merits of the case, directing the petitioner to send one more copy of the representation dated 07.05.2016 to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. Till such time, the second respondent passed appropriate orders, the petitioner shall not be dispossessed from the place. No costs. Connected miscellaneous petition is closed.

Sd/-
Vacation Officer.

/true copy/

Sub Asst. Registrar.

nv

To

1. The State Commissioner for
Differently Abled,
O/o. State Commissioner for
Differently Abled,
J.N. Ring Road,
Chennai 600 078.
 2. The Secretary to Government,
Local Administration Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
 3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
- + 1 CC to Mr.R.Kamaraj, Advocate SR NO 28445

W.P. No. 18128 of 2016

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