

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18143 of 2016

&

W.M.P. No. 15909 of 2016

Mrs. Jayalakshmi

..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 04.05.2016 for grant of license/permission to run bunk shop as per "The Street Vendors (Protection of Livelihood Regulation) Act, 2014" and pass orders and forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near shop No. 14, Subiksha Book Stall, (Hawking Zone Allotment Committee Shop), Near Allikulam Complex Main Gate, Chennai 600 003, wherein selling tea, coffee, food and other snack items.

For Petitioner :: Ms.T. Muthamil Selvi

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 R2 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 04.05.2016 for grant of license/permission to run bunk shop as per "The Street Vendors (Protection of Livelihood Regulation) Act, 2014" and pass orders and forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near shop No. 14, Subiksha Book Stall, (Hawking Zone Allotment Committee Shop), Near Allikulam Complex Main Gate, Chennai 600 003, wherein she is selling tea, coffee, food and other snack items.

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 04.05.2016 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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.

+1cc to Mr.T.Muthamil Selvi, Advocate Sr.28447
+1cc to the Government Pleader sr.28628
+1cc to R.Arunmozhi, Advocate Sr.28514

W.P.No.18143 of 2016

sv[co]
srg 24/05/2016