

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.26688 to 26692 of 2014

T.Mari .. Petitioner
in WP.26688/2012

A.Moorthy .. Petitioner
in WP.26689/2012

S.Santhakumar .. Petitioner
in WP.26690/2012

R.Chinnadurai .. Petitioner
in WP.26691/2012

D.Manikandan .. Petitioner
in WP.26692/2012

vs.

1. The State Commissioner for
Differently Abled
O/o. State Commissioner for
Differently Abled
J.N.Ring Road, Chennai - 600 078.

2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003. ... Respondents
in all writ petitions

PRAYER in W.P.No.26688 of 2012: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioner's shop situated at EM E.L.E.M, Mahalingapuram High Road, Chennai-34 by selling Coffee Tea and Snacks till alternative accommodation is provided.

PRAYER in W.P.No.26689 of 2012: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioner's shop situated at Red Hills Main Road, Opp. to Prabavathy Seva Mahal, Tata Communication, Kallikuppam,

Ambattur, Chennai-53, by selling Coffee, Tea and Snacks till alternative accommodation is provided.

PRAYER in W.P.No.26690 of 2012: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioner's shop situated at Plot No.K6(A), 3rd Street, near Beem Engineers (I), SIDCO, Ambattur, Chennai-58, by selling Coffee, Tea and Snacks till alternative accommodation is provided.

PRAYER in W.P.No.26691 of 2012: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd respondent from interfering with the running of the Petitioner's shop situated at M.T.H. Road, Near Telephone Exchange Bus Stop, SIDCO, Ambattur, Chennai-58, by selling Coffee, tea and snacks till alternative accommodation is provided.

PRAYER in W.P.No.26692 of 2012: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd respondent from interfering with the running of the Petitioner's shop situated at 1st Main Road, Vasco Vel, India Private Limited, Opp. to Maruthi Service, SIDCO, Chennai-58 by selling Coffee, tea and snacks till alternative accommodation is provided.

For Petitioners : Mr.M.Baskar

For Respondents : Mr.R.Kamaraj in all WPs
Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.K.Soundarajan
for 2nd respondent in all
WPs

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioners claim a restraint against the second respondent from interfering with the bunk shops run by them.

2. In the counter affidavit filed by the respondents, it has been stated that the sites were inspected and it was found that most of the petitioners had occupied a footpath either on the bus route or any other road, which is used by the general public. The proposal of the bunk shop owners was scrutinized and although the claim of the petitioners was that the bunk shops did not cause any hindrance to the general public, the

field level officers have submitted that there is hindrance to the general public and complaints have been received.

3. The finding thus is bunk shops are permanent encroachments on the footpaths, roads and other public places, which are a hindrance, and they may be given preference in allocation of Corporation shops when they are auctioned for allotment by permitting them to participate in auctions (maximum three times) without any security deposit and other conditions being the same, and that the differently abled bunk shop owners can avail the reservations in getting allotment as per existing rules in force.

4. In view of the aforesaid counter, which is unrebutted, we take the aforesaid stand of the Corporation on record and dispose of these petitions in terms thereof.

These petitions are disposed of accordingly. No costs. Consequently, M.P.No.1 of 2014 (5 petitions) are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. 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 Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

+1 cc to Mr.R.kamaraj,advocate,sr.66297

+1 cc to Govt Pleader,sr.66724.

scd(co)
krd 29/11

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