

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 19883 of 2016
&
W.M.P. No. 17147 of 2016

Sivan Pandian

..Petitioner

Vs.

1. The State Commissioner
For Differently Abled,
Office of the State Commissioner
For Differently Abled,
J.N. Ring Road,
Chennai - 78.

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai -3.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the 2nd respondent from interfering with the running of petitioner's bunk shop at Janaki Avenue Opposite "Padmalaya Towers" TVH Corner, MRC Nagar, Chennai - 28.

For Petitioner :: Mr.S. Natarajan

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

WEB COPY
O R D E R

The petitioner is said to be a physically disabled person and he claims to have been running a bunk shop at Janaki Avenue, Opposite Padmalaya Towers, TVH Corner, MRC Nagar, Chennai - 28, for the past 10 years selling tasty and edible food items for needy people. However, the 2nd respondent is attempting to interfere with the petitioner's business. Therefore, the petitioner gave a representation on 27.03.2016

seeking "No Objection Certificate" to continue the business. Since the said representation has not been considered, the petitioner is before this Court.

2. There is not even a single document to show that the petitioner has been running the bunk shop for the past 10 years. It is only near landmark buildings and important junctions that these kinds of petty shops are said to be located by the so-called disabled persons. Out of sympathy, if a direction is issued to the authorities to consider the representations given by them, based on that, definitely, for extraneous considerations, the officials will issue licence. This Court suspects that there is a big racket going on in such matters and everyday, almost 2 or 3 persons are coming up, that too, mentioning that they are running bunk shops near important junctions. If permission is granted, then it will only go against public interest. The pedestrians will be deprived of space to walk or move about if such petty shops are allowed to occupy the road space. The writ petition deserves to be dismissed and it is accordingly dismissed. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The State Commissioner
For Differently Abled,
Office of the State Commissioner
For Differently Abled,
J.N. Ring Road,
Chennai - 78.

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai -3.

+1cc to Mr.S.Natarajan, Advocate Sr.32367
+1cc to Mr.P.V.Selvakumar, Advocate Sr.31712
+1cc to the Government Pleader Sr.31683

W.P. No. 19883 of 2016

bvr[co]
srg 12/07/2016