

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.2122 of 2016
& WMP.No.1915 of 2016

1.M.Umapathy
(Physically Handicapped person)

2.Smt. U.Gunasundari
w/o M.Umapathy
(Physically Handicapped person)

...

Petitioners

Vs

1 The State of Tamilnadu
Rep. by its The Commissioner (Roads
Maintenance Unit) Municipal Corporation of
Chennai Park Town, Chennai-3.

2. The Divisional Engineer
(Highways & Rural Highways Dept)
TN Government Roads Development,
Saidapettai Division, Chennai-15.

3. The Asst Engineer
Tiruvottiyur Circle,
Municipal Corporation of Chennai,
Chennai-19.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents and their authorised sub-ordinate officials from in any way disturbing the petitioners peaceful possession & enjoyment of the bunk shop without any due processes of law situate at nearby EB office at 643/A TH Road Opp to MTC Bus-stand at Ajax at Tiruvottiyur, Chennai-19.

For Petitioners : Mr.Edwin Borough

For Respondents 1 to 3 : Mr.R.Lakshminaraynan,
Addl. Government Pleader

ORDER

Heard the learned counsel for the petitioners; learned Additional Government Pleader accepting notice on behalf of the respondents and with their consent, this writ petition is taken up for final disposal.

2. The petitioners are physically challenged person. They were running a Bunk shop on the line of Kalikambal Koil Street, near by EB office at 643/A TH Road Opp to MTC Bus-stand at Ajax at Tiruvottiyur, Chennai-19.

3. The grievance of the writ petitioners is that the officials of the 3rd respondent have attempted to evict their bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioners have sent a representation dated 17.10.2015 to the first respondent. Since the same has not been taken into consideration, the petitioners have come up with the present writ petition, seeking a direction forbearing from disturbing the petitioners peaceful possession & enjoyment of the above allotted bunk shop without any due process of law.

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 petitioners to send one more copy of the representation dated 17.10.2015 to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. No costs.

6. Till such time, the first respondent passes appropriate orders, the petitioners shall not be dis-possessed from the place. Consequently connected miscellaneous petitions is also closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

smi

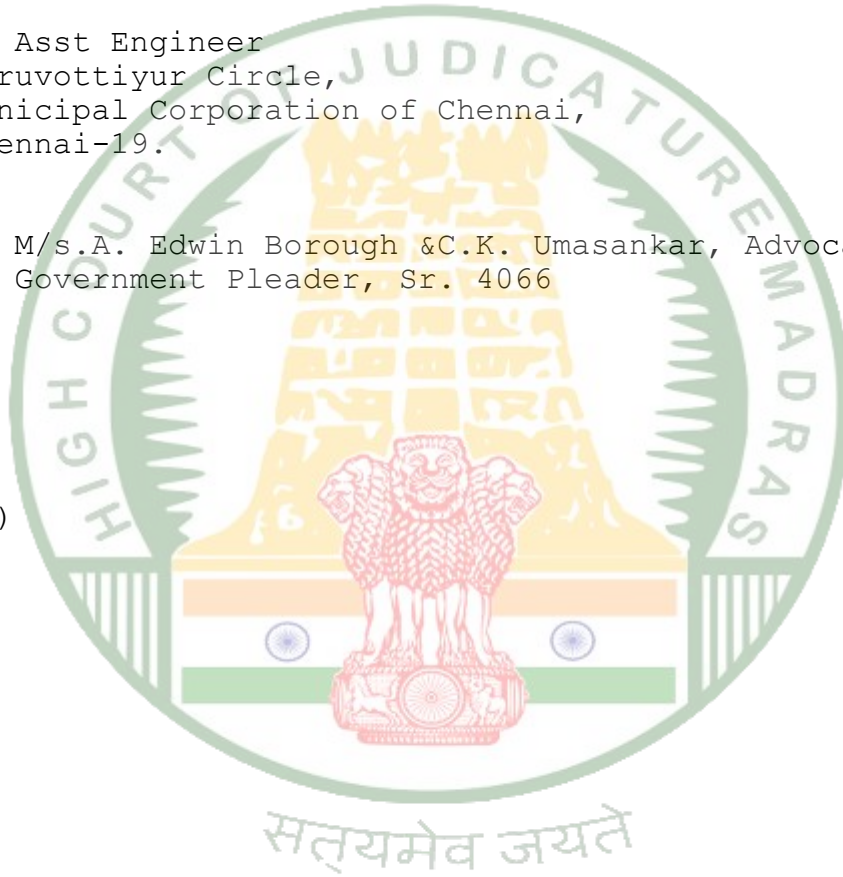
To:

1. The Commissioner
(Roads Maintenance Unit),
Municipal Corporation of
Chennai Park Town, Chennai-3.
2. The Divisional Engineer
(Highways & Rural Highways Dept) TN
Government Roads Development Saidapettai
Division, Chennai-15.
3. The Asst Engineer
Tiruvottiyur Circle,
Municipal Corporation of Chennai,
Chennai-19.

1 cc to M/s.A. Edwin Borough &C.K. Umasankar, Advocate, sR. 4276
1 cc to Government Pleader, Sr. 4066

WP.No.2122 of
2016

RSK (CO)
kk 1/2



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