

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2016

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THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.23188 of 2016

P.Sathyanarayanan

[Petitioner]

Vs

1 The Commissioner
Corporation of Chennai Ribbon Building
Chennai-600 053

2 The Commissioner
Differently disabled Commissionerate
K.K. Nagar,
Chennai-600 078.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the 1st respondent herein and his subordinates from evicting or removing the petitioners bunk shop from the strip of vacant land which is situated and abutting the compound wall of Dugar Park Mount Poonmallee Road Ramapuram Chennai by disposing the petitioners representation dt.17.06.2016 by taking note of his permanent physical disability.

For Petitioner : Mr.J.Adithya Reddy

For Respondents : Mr.R.M.Muthukumar, GA (R2)
Mr.P.V.Selvakumar, (R1)

ORDER

Mr.P.V.Selvakumar, learned counsel takes notice for the 1st respondent and Mr.R.M.Muthukumar, learned Government Advocate, takes notice for the 2nd respondent.

2. The petitioner, who is stated to be a physically handicapped person, has come before this Court, seeking a writ of mandamus directing the 1st respondent not to evict or

remove his bunk shop from the strip of vacant land, which is situated and abutting the compound wall of Dugar Park, Mount Poonmallee Road, Ramapuram, Chennai, by considering his representation dated 17.06.2016.

3. Heard the learned counsel for the petitioner, Mr.P.V.Selvakumar, learned counsel for the 1st respondent and Mr.R.M.Muthukumar, learned Government Advocate, for the 2nd respondent.

4. It is not understandable as to how physically handicapped persons choose very important locations and approach this Court alleging as if they are running a bunk shop and seek either a mandamus not to evict them or to consider their representations to allot the respective places.

5. As far as the case in hand is concerned, even according to the petitioner, he has not produced any document to show that he has been running the shop in the said place. Therefore, the said plea that the petitioner has been running the business in the above said place is false, as the same is not supported by any evidence. Secondly, the petitioner himself admits that he is occupying the land which he is not entitled to get and which he doesn't own. Viewing from any angle, no relief can be granted to the petitioner, since there is no proof for the same. It is an effort made by persons claiming themselves to be physically handicapped persons to encroach upon road margins, platforms and important places. Even if they are not running the business, after getting orders from this Court to consider their representations, they will march into the property and establish the bunk shop. This kind of efforts have to be nibbed in the bud itself, otherwise, it will go against the public interest. Hence, the writ petition deserves to be dismissed and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Corporation of Chennai Ribbon Building
Chennai-600 053
- 2 The Commissioner
Differently disabled Commisionerate
K.K. Nagar, Chennai-600 078.

+1cc to Mr.Mr.P.V.Selvakumar, Advocate, S.R.No. 38117

+1cc to the Government Pleader, S.R.No. 38009

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KS (CO)
PSI (23/07/2016)



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