

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 36156 of 2016

Kalimuthu

..Petitioner

Vs.

1. The Special Commissioner,
For Handicapped,
Office of the State Commissioner
for Disabled,
No. 15/1, Model School Road,
Thousand Lights, Chennai - 6.

2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

3. The Commissioner of Police,
EVR High Road,
Chennai - 600 007.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 20.08.2016 for issuance of licence for running Bunk Shop on the line of MTH Road by the side of NEPC, Thiruveni Stores (Centre), Opp. MJV Indian Gas Agency and vacant land, Ambattur Estate, Chennai - 600 058 where the petitioner is selling tea, coffee and allied fast foods.

For Petitioner :: Ms.P.S. Mercy Gnanammal
For Respondent :: Mr.P.V. Selvakumar
Addl. Govt. Pleader

O R D E R

The prayer in the writ petition is for issuance of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 20.08.2016 for issuance of licence for running Bunk Shop on the line of MTH Road by the side of NEPC, Thiruveni Stores (Centre), Opp. MJV Indian Gas

Agency and vacant land, Ambattur Estate, Chennai - 600 058 where the petitioner is selling tea, coffee and allied fast foods.

2. The petitioner claims to be a physically handicapped person and he is said to be running a small bunk shop selling tea, coffee and fast food on the line of MTH Road by the side of NEPC, Thiruvani Stores (Centre), Opp. MJV Indian Gas Agency and vacant land, Ambattur Estate, Chennai - 600 058. Since the officials of the 3rd respondent tried to interfere with the petitioner's business, the petitioner gave a representation on 20.08.2016 to the 2nd respondent, not to disturb his business. However, no orders were passed on the same. Hence, the petitioner has filed the present writ petition.

3. A perusal of the records would reveal that except a document to show that the petitioner is a physically handicapped person, there is nothing to show that he is carrying on business in the said place. It has become a usual practice for some persons, who are physically handicapped, to earn the sympathy of this Court and get favourable orders and thereafter, try to establish a bunk shop near important junctions or landmarks in the city, where they could do good business. Having a bunk shop, either on road margins or on platforms, would cause great hindrance to free flow of traffic as well as for free movement of pedestrians. In the instant case, it is on the line of Poonamallee High Road, by the side of Sri Ramachandra Hospital. If any permission is granted, as sought by the petitioner, then it would definitely go against public interest. This writ petition, therefore, deserves to be dismissed and it is accordingly dismissed. It is made clear that this order has been passed, after going through the records, on merits and it is not a simple dismissal. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Special Commissioner,
For Handicapped,
Office of the State Commissioner
for Disabled,
No. 15/1, Model School Road,
Thousand Lights, Chennai - 6.

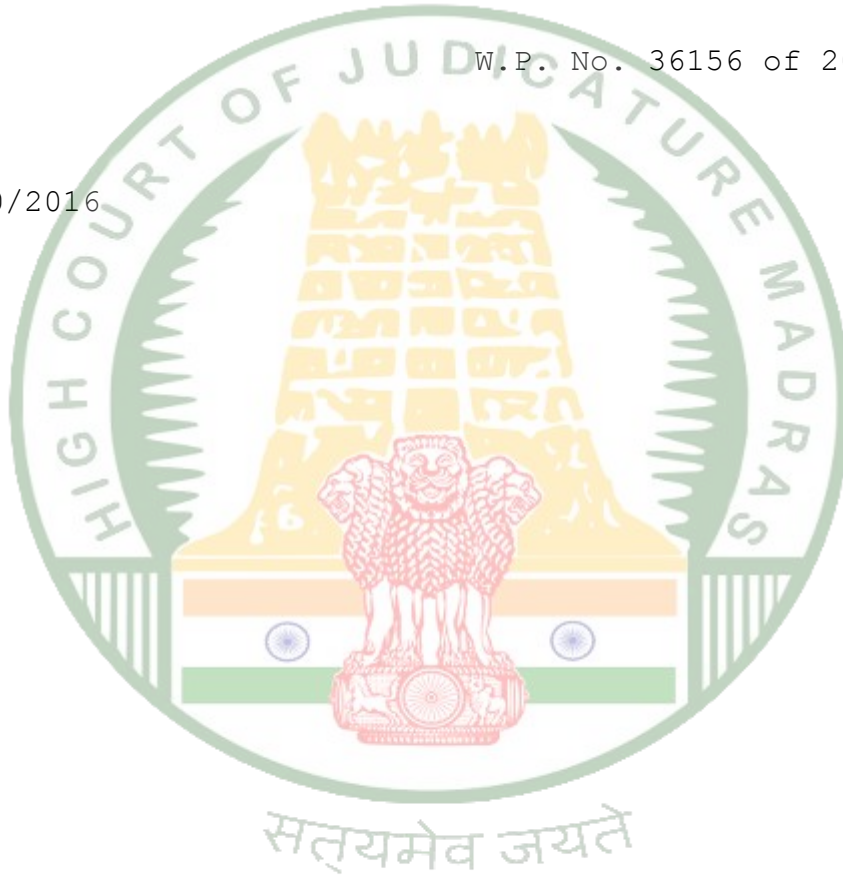
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

3. The Commissioner of Police,
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Chennai - 600 007.

+1 CC to M/s. P.S. Mercy, Advocate Sr.No.59353

W.P. No. 36156 of 2016

MV (CO)
MD : 26/10/2016



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