

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.02.2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3997 of 2016
and WMP No.3321 of 2016

Ramalingam

.. Petitioner

Versus

- 1 State of Tamil Nadu
Rep. by its Secretary Municipal
Administration and Water Supply Department
Secretariat Fort St. George Chennai-600 009
- 2 The Secretary to Government
Welfare of Differently abled persons
Department Government of Tamilnadu
Secretariat Fort St.George Chennai-600 009
- 3 The Commissioner
Municipal Administration and Water Supply
Department Chepauk Chennai
- 4 The Commissioner
Welfare of Differently abled persons
Department K.K. Nagar Chennai
- 5 The Commissioner
Perambalur Corporation Perambalur
- 6 The District Collector
Perambalur District perambalur
- 7 The District Welfare officer
of Differently abled persons Office of the
District Welfare officer of Differently
abled persons Department
Perambalur District

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 5th respondent to issue notification for conducting auction to differently abled persons for allotting one shop in the Corporation Shopping Complex situated at Perambalur New Bus Stand Perambalur District as per G.O. (D) No.100 dated

16.02.2000 issued by the 1st respondent consequently directing that the 5th respondent to consider the petitioners representation dated 25.09.2015 in accordance with law within the time stipulated by this Honourable Court.

For Petitioner : Mr.Mohamed Ansar

For Respondents : Mr.R.Rajeswaran (for R1 to 3, 6 and 7)
Special Government Pleader
Mr.P.Chinnadurai (for R5)

O R D E R

With the consent on either side, the writ petition is taken up for final disposal.

2. The petitioner, who is a physically challenged person has filed this writ petition seeking for a direction to the 5th respondent Corporation to issue notification for conducting auction to differently abled persons for allotting one shop in the Corporation Shopping Complex situated at Perambalur New Bus Stand, Perambalur District, in terms of G.O.(D) No.100, dated 16.02.2000. The petitioner's representation to the various authorities were taken note of and in the representation the petitioner has sought for an alternate accommodation to shift his bunk shop.

3. From the photographs produced by the petitioner in the typed set of documents, it could be seen that the petitioner has erected a bunk shop virtually blocking the access to the bus stand. The action of the petitioner in erecting the bunk shop, blocking the access to the bus stand, is unauthorized and deprecated and action has to be taken for removal of the same. So far as the request for allocation of alternate shop in the complex, the same has already been rejected on 30.10.2015, and the petitioner is aware of the same, as he has produced the copy of the rejection order in the typed set of papers. However, he has not challenged the same. Therefore, the question of allotment of alternate shop also does not arise.

4. With regard to G.O. (D) No.100 dated 16.02.2000, the learned counsel appearing for the 5th respondent submitted that the Government order issued with regard to leasing of building and shop, would be scrupulously followed by the respondent corporation and as and when notification is issued, it is open to the petitioner to participate in the public auction.

5. With the above observation, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

ars

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary, State of Tamil nadu,
Municipal Administration and Water Supply Department
Secretariat Fort St. George Chennai-600 009
- 2 The Secretary to Government
Welfare of Differently abled persons
Department Government of Tamilnadu
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- 7 The District Welfare officer
of Differently abled persons Office of the
District Welfare officer of Differently
abled persons Department Perambalur District

+ 1 cc to Govt.Pleader SR 7201

+ 1 cc to Mr.Mohamed Ansar, Advocate SR 7043

+ 1 cc to Mr.P.Chinnadurai, Advocate SR 6869

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