

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.40506 of 2016

G. Ravi

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Chennai - 600 001.
2. The Commissioner,
Greater Corporation of Chennai,
Office of the Greater Corporation,
Chennai - 600 003.
3. The Commissioner of Police,
Office of the Commissioner,
Vepery, Chennai - 600 007.
4. The Inspector of Police,
Bokkadai Police Station,
Broadway,
Chennai - 600 108.

.... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to permit the petitioner to install a small petty shop, (4x3 feet breadth and 5 feet) in the vacant place situated in front to Fort Railway Station and near Indian Petrol Bunk and in between the place of compound wall of Dental Hospital and the Broadway Bustand Road, "especially backside of E.B. Box",..for running the petitioner's business continuously at the above mentioned place.

For Petitioner : Mr.C. Girish Babu

For Respondents : Mr.T.M. Pappiah,
Special Government Pleader
for R1, R3 & R4

Mr.P.V. Selvakumar
for R2

O R D E R

The petitioner seeks issuance of a Writ of Mandamus directing the 2nd respondent to permit him to install a small petty shop, (4x3 feet breadth and 5 feet) in the vacant place situated in front of Fort Railway Station and near Indian Petrol Bunk and in between the place of compound wall of Dental Hospital and the Broadway Bustand Road, "especially backside of E.B. Box", for running the his business continuously at the above mentioned place.

2. The petitioner, who claims to be a physically handicapped person, is stated to be running a petty shop, on wheels, selling belts, headset, etc near the Petrol Bunk, opposite to Fort Railway Station, which is his only source of livelihood. Since the petitioner is put to great hardship, in running his business in open space, on the platform, due to seasonal variations, he seeks a direction to the 2nd respondent to permit him to install a small petty shop, (4x3 feet breadth and 5 feet) in the vacant place situated in front to Fort Railway Station and near Indian Petrol Bunk and in between the place of compound wall of Dental Hospital and the Broadway Bustand Road, "especially backside of E.B. Box", for running his business continuously.

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. 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Collector,
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Chennai - 600 001.
2. The Commissioner,
Greater Corporation of Chennai,
Office of the Greater Corporation,
Chennai - 600 003.
3. The Commissioner of Police,
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4. The Inspector of Police,
Bokkadai Police Station,
Broadway,
Chennai - 600 108.

+1cc to the Government Pleader, S.R.No.67937

W.P.No.40506 of 2016

KSJ(CO)
CA(20/12/2016)



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