

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No. 4717 OF 2016

S.Rajesh

.. Petitioner

vs.

1. The Special Commissioner
for Handicapped,
Office of the State Commissioner of
Disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.
3. The Commissioner of Police,
E.V.R.High Road, Chennai 600 007. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the 2nd respondent to dispose of the petitioner's representation dated 24.11.2015 for issuance of Licence for running Bunk Shop on the line of Medavakkam High Road, Sholinganallur by the side of Elcotex gate opp. Sadappunila Forest Area, Tolgate, Chennai 600 119, selling Tiffen and allied foods.

For Petitioner : Ms.Mercy

For Respondents : Mr.S.Rajeswaran
Spl. Govt. Pleader (R1 and R3)
Mr.P.V.Selvakumar - R2

O R D E R

The petitioner is a physically challenged person with 50% disability on account of Polio Paralysis. He is running a Bunk Shop on the line of Medavakkam High Road, Sholinganallur by the

side of Elcotex gate opp. Sadappunila Forest Area, Tolgate, Chennai 600 119 selling Tiffen and allied foods, selling Tiffen and alive foods.

2. The grievance of the writ petitioner is that the officials of the 3rd respondent have attempted to evict his bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 24.11.2015 to the first respondent. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the second respondent to dispose of the representation submitted by him dated 24.11.2015 for issuance of Licence for running Bunk Shop.

3. Heard learned counsel appearing for the petitioner and learned counsels appearing for the respondents and perused the materials placed on record.

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 petitioner to send one more copy of the representation dated 24.11.2015 to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. Till such time the second respondent passes appropriate orders, the petitioner shall not be dis-possessed from the place. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Special Commissioner
for Handicapped,
Office of the State Commissioner of
Disabled,
No.15/1, Model School Road,
Thousand Lights,
Chennai 600 006.

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

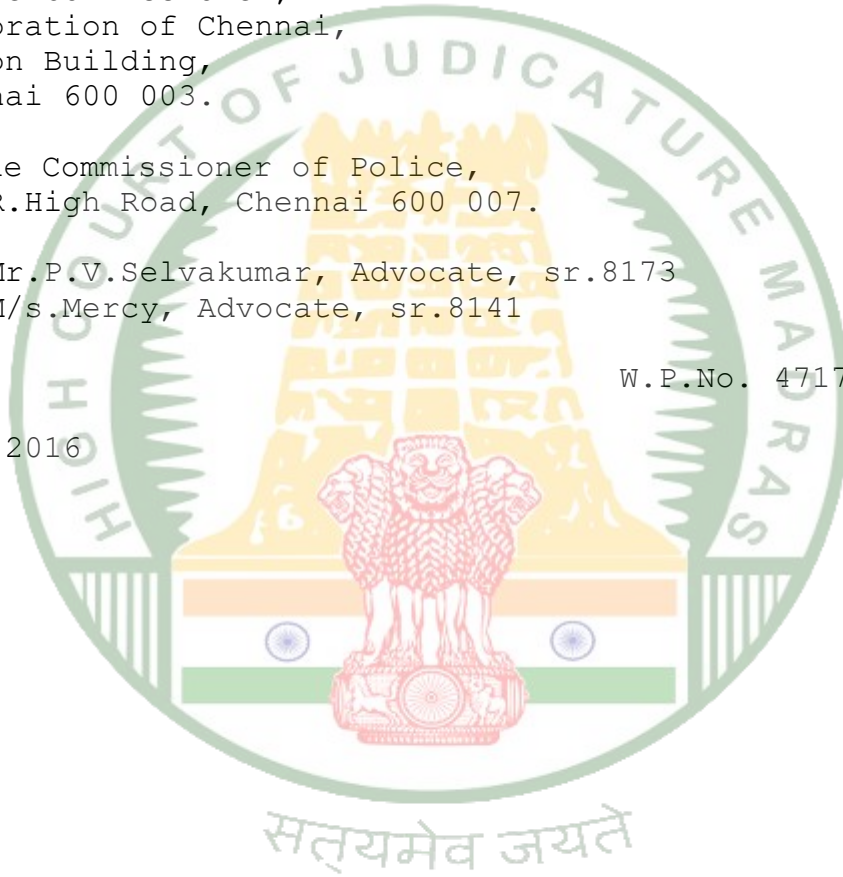
3. The Commissioner of Police,
E.V.R.High Road, Chennai 600 007.

+1 cc to Mr.P.V.Selvakumar, Advocate, sr.8173

+1 cc to M/s.Mercy, Advocate, sr.8141

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