

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5033/2016 & WMP.No.4391/2016

D.Kandasamy

..

Petitioner

Vs

1.The State Commissioner for Differently Abled,
O/o.State Commissioner for Differently Abled
J.N.Ring Road, Chennai-600078.

2.The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai 600009.

3.The Commissioner,
Corporation of Chennai
Rippon Buildings, Chennai 600003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 21.01.2016 for grant of license/permission to run bunk shop and pass orders and till such time, forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop near Tamil Nadu Electricity Board, Opposite to Raheja Commercial Complex, opposite to State Bank of India, E.B.Avenue Road, Anna Salai, Chennai 600 002, wherein selling tea, coffee and food items.

For Petitioner : Ms.T.Muthamilselvi
For RR 1 and 2 : Mr.R.Rajeswaran
Special Government Pleader
For Respondent 3 : Mr.P.V.Selvakumar

ORDER

Heard the learned counsel for the petitioner ; learned Special Government Pleader accepting notice on behalf of the respondents 1 and 2 and Mr.P.V.Selvakumar, learned counsel accepting notice on behalf of the 3rd respondent and with their consent, this writ petition is taken up for final disposal.

2 The petitioner is a physically challenged person with disability. He is running a Bunk shop near Tamil Nadu Electricity Board, Opposite to Raheja Commercial Complex, opposite to State Bank of India, E.B.Avenue Road, Anna Salai, Chennai 600 002, for selling Tea, Coffee and snacks items.

3 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 21.01.2016 to the respondents. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the 3rd respondent to dispose of the petitioner's representation dated 21.01.2016 for issuance of licence for running Bunk Shop.

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 21.01.2016 to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the ***Third** respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

6 Till such time, the second respondent passes appropriate orders, the petitioner shall not be dis-possessed from the place.

Sd/-
Assistant Registrar(CS V)

***Amended as per order dated
26.04.2016 made in WMP 12918/16
in WP.5033/16
-s/d-
Assistant Registrar
dt:29/04/2016**

//True Copy//

Sub Assistant Registrar

To:

- 1.The State Commissioner for (Amended Order to be Substituted
Differently Abled, (for the order already despatched
O/o.State Commissioner for (on 23/02/2010
Differently Abled
J.N.Ring Road, Chennai-600078.
- 2.The Secretary to Government
Local Administration Department
Government of Tamilnadu
Fort St George, Chennai 600009.
- 3.The Commissioner,
Corporation of Chennai
Rippon Buildings, Chennai 600003.

+1cc to Mrs.T.Muthamilselvi, Advocate, S.R.No.8662
+1cc to the Government Pleader, S.R.No.8844

WP.No.5033/2016

gj (CO)
srg(18/02/2016)
aa29/04/2016