

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.510 of 2016

M/s.Shriram Properties and Infrastructures
Private Limited, Rep. By its Authorized
Signatory, Mr.R.Radhakrishnan, Assistant
Vice President (Projects) ... Petitioner

-vs-

- 1.The State Commissioner of Differently
Abled, O/o.State Commissioner for
Differently Abled, J.N.Ring Road,
Chennai.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.
- 3.The Inspector of Police (Traffic)
S14, Peerkankaranai Police Station,
Chennai.
- 4.The Chief General Manager,
National Highways Authority of India,
Sri Tower, 3rd Floor, Industrial Estate,
Guindy, Chennai.
(R-4 cause title amended as per order
dated 3.3.2016 in WP.)
- 5.The President
Perungalathur Panchayat Office,
No.20, Kamarajar Nedunchalai,
Old Perungalathur, Chennai.

6.D.Nelson

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 3, 4 and 5 to remove the bunk shop of the respondent no.6 situated at No.16, GST Road, Perungalathur, Chennai-600 063.

For Petitioner : Mr.G.Balasubramanian
for M/s.Poovayya And Co.

For Respondents : Mr.G.Anantharaman for R-2
: Mr.S.T.S.Murthi, Govt. Pleader
assisted by Mr.V.Shanmugasundar,
G.A., for RR 1, 3 & 5

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We have perused the petition, the affidavit filed by the sixth respondent / the person who has installed the bunk shop, as also the typed set of documents.

2.What emerges from all these is that in a batch of petitions, the petitioner obtained the benefit as if his bunk shop was already in existence and protection should be granted to him. Under the guise of the order, subsequently he installed the bunk shop and that too is apparently not being run by him, as appears from his own letter filed with the typed set of documents. In fact, in the said letter, which is issued by Anbu Nilayam Physically Handicapped Self Employed Welfare Association and also signed by him as a Member, it is his own allegation that the bunk shop is being used for sale of narcotics by third parties. We may also note that the order was improperly procured as the relevant respondents were not even impleaded as parties.

3.Despite the aforesaid position, an affidavit has been filed by the sixth respondent seeking extension of time of two (2) months.

4.We are not inclined to accede to the request of the sixth respondent. In fact, he ought to be prosecuted for misleading the Court but being a person with disabilities, we desist from doing so, but direct that the bunk shop should be forthwith removed with the assistance of the police.

5.We may also note that as per instructions received by the learned counsel for respondent no.6, after having filed the affidavit, he appears to have instructed him that even this time period of two (2) months he is not willing to adhere to.

6.We, thus, allow the writ petition in the aforesaid terms.
No costs.

7.Necessary action be taken within three (3) days.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The State Commissioner of Differently Abled, O/o.State Commissioner for Differently Abled, J.N.Ring Road, Chennai.
- 2.The Commissioner, Corporation of Chennai, Ripon Buildings, Chennai.
- 3.The Inspector of Police (Traffic) S14, Peerkankaranai Police Station, Chennai.
- 4.The Chief General Manager, National Highways Authority of India, Sri Tower, 3rd Floor, Industrial Estate, Guindy, Chennai.
(R-4 cause title amended as per order dated 3.3.2016 in WP.)
- 5.The President
Perungalathur Panchayat Office,
No.20, Kamarajar Nedunchalai,
Old Perungalathur, Chennai.

- +1 cc to M/s.Poovayyaal Co., Advocate, sr.20466
+1 cc to M/s.L.Chandrakumar, Advocate, sr.20725
+1 cc to M/s.G.Anantharangan, Advocate, sr.20649
+1 cc to M/s.Su.Srinivasan, Advocate, sr.20642
+1 cc to Government Pleader, sr.20667

W.P.No.510 of 2016

sns co
kra 01.04.2016