

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5901 of 2016

R.Babu

.. Petitioner

Versus

1. The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road, Thousand Lights,
Chennai - 600 006.

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from evicting the petitioner's bunk shop situate at Race Course Road, opp. Ashram School and Vijay Enterprises and further direct the 2nd respondent to grant licence to the petitioner bunk shop.

For Petitioner : Mr.M.A.Kalaiselvam

For Respondents : Mr.R.Rajeswaran (for R1)
Special Government Pleader

Mr.P.V.Selvakumar (for R2)
Standing Counsel for Chennai Corporation.

O R D E R

Heard Mr.M.A.Kalaiselvam, learned counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, after accepting notice on behalf of the 1st respondent and Mr.P.V.Selvakumar, learned Standing counsel, after accepting notice on behalf of the 2nd respondent. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. The petitioner is a physically challenged person and he is stated to be running a small bunk shop at Race Course Road, opposite to Ashram School and Vijay Enterprises. The petitioner claims to be running the bunk shop for nearly 7 years and now the respondents appear to have directed him to remove the shop. The petitioner has submitted a representation on 12.12.2015 to the 2nd respondent with a request to permit him to continue to run the bunk shop in the said location by taking sympathetic approach.

3. The petitioner's representation is dated 12.02.2015, but, however, there is no proof to show that the representation has been forwarded to the 2nd respondent, as there is no acknowledgement produced by the petitioner. Therefore, this Court is not inclined to issue any positive direction at this stage. However, liberty is given to the petitioner to submit a fresh representation along with a copy of the order and forward the same to the competent authority of the respondent Corporation, who shall consider the same on merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of the representation.

4. The writ petition is disposed of, accordingly. No Cost.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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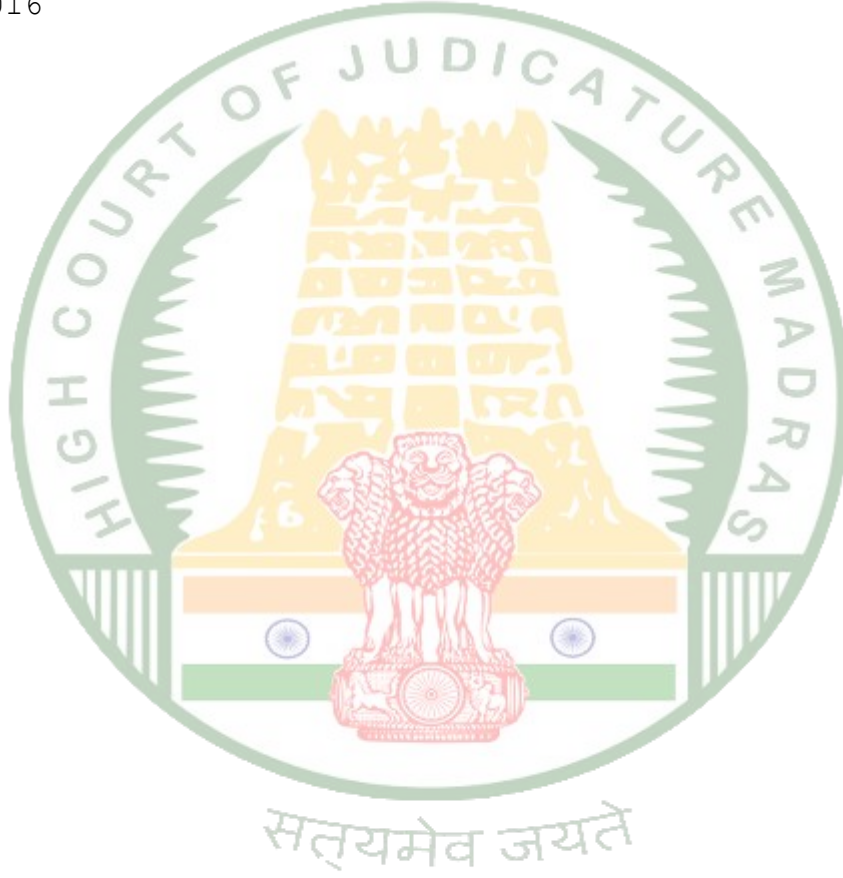
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+1 cc to Mr.M.A.Kalai Selvam Advocate sr.10319
+1 cc to Government Pleader sr.10538

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