

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.7115/2016

B.Sundaramoorthy

.. Petitioner

Vs

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

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

4.The Commissioner of Police
EVR High Road, Chennai 600 007.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 24.01.2016 issuance of license bunk shop on the line of MTH Road, by the side of Saravana Store Main Gate, Opp. Lukas TVS, Padi, Chennai 600050 selling Tea, Coffee and allied foods.

For Petitioner : Mr.P.S.Mercy Gnanamal

For RR 1 & 3 : Mr.R.Lakshminarayanan
Additional Government Pleader

For R2 : Mr.P.V.Selvakumar

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ORDER

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

2 The petitioner is a physically challenged person

with 50% disability. He is running a Bunk shop on the line of MTH Road, by the side of Saravana Store Main Gate, Opp. Lukas TVS, Padi, Chennai 600050, for selling Tea, Coffee and snacks items.

3 The grievance of the writ petitioner is that the officials of the 2nd respondent has attempted to evict his bunk shop without giving prior opportunity. Threatened with dispossession by the respondents, the petitioner has sent a representation dated 24.01.2016 to the respondents. Thereafter, the petitioner has come up with the present writ petition, seeking a direction to the 2nd respondent to dispose of the petitioner's representation dated 24.01.2016 for issuance of license 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 24.01.2016 to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd 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.

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

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AP

To:

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

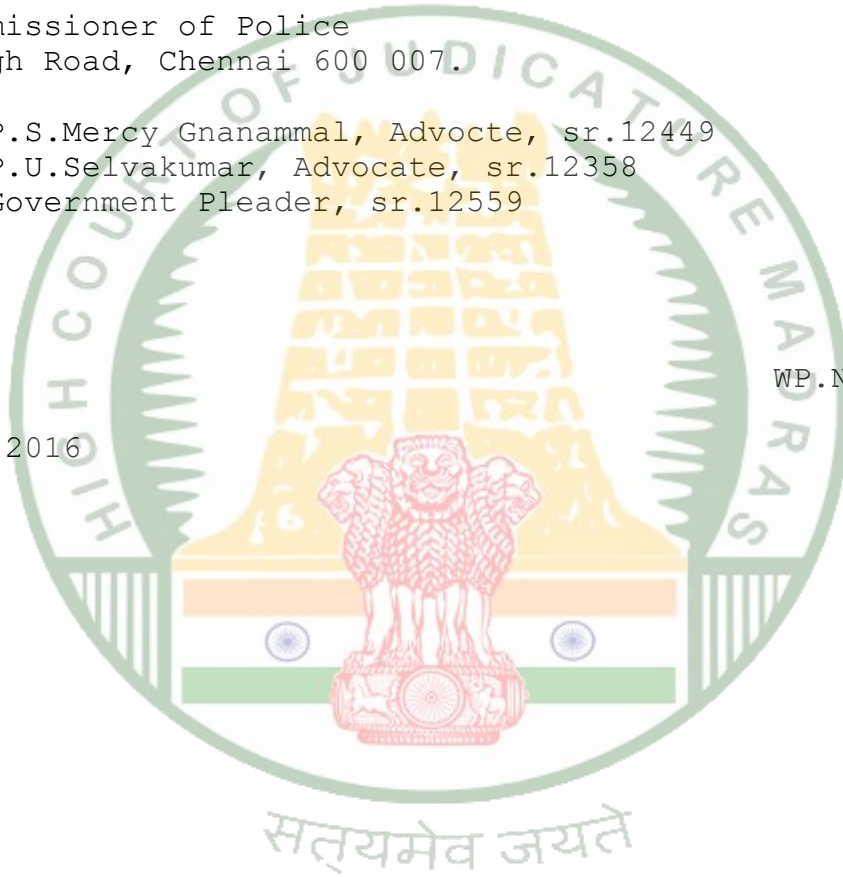
2.The Commissioner,
Corporation of Chennai
Rippon Buildings, Chennai 600 003.

3.The Commissioner of Police
EVR High Road, Chennai 600 007.

+1 cc to P.S.Mercy Gnanammal, Advocte, sr.12449
+1 cc to P.U.Selvakumar, Advocate, sr.12358
+1 cc to Government Pleader, sr.12559

us co
kra 02.03.2016

WP.No.7115/2016



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