

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAISWAMY

W.P.No.10840 of 2017

R.Shankari

[Petitioner]

Vs

- 1 The Special Commissioner for Handicapped
Office of the State Commissioner of Disabled
No.15/1 Model School Road
Thousand Lights Chennai-06
- 2 The Commissioner
Corporation of Chennai Ripon Building
Chennai-03
- 3 The Divisional Engineer
Highways and rural Works Department
Panagal Building 2nd Floor Saidapet Chennai-15
- 4 The Commissioner of Police
Commissioner Office Building
NO.132 EVK Sampath Road
Vepery Periamet Kovur
Chennai-07
- 5 The Joint Commissioner of Police
Joint Commissioner Office
South Zone, Police Office Street
St. Binny road
Nizarathipuram Gandhi Nagar Chennai-16

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent to dispose of the representation dated 21.03.2016 sent by petitioner to the 2nd respondent and issue license of Bunk shop to the petitioner for the shop run by the petitioner on the line of GST Road near the Meteorological Research Center Meenambakkam.

For Petitioner : Mr.D.Karthik

For Respondents : Mr.R.S.Selvam, GA for (R1,3 to 5)
Mr.P.V.Selvkumar, SC for (R2)

ORDER

Mr.R.S.Selvam, learned Government Advocate takes notice for the respondents 1, 3 to 5 and Mr.P.V.Selvakumar, learned Standing Counsel takes notice for the 2nd respondent.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the above writ petition to issue a writ of mandamus directing the 2nd respondent to dispose of the representation dated 21.03.2016 sent by her to the 2nd respondent and issue license of Bunk shop for the shop run by her on the line of GST Road near the Meteorological Research Center, Meenambakkam.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a physically handicapped person to an extent of 60% disability with paralysis and that she is running a bunk shop on the line of GST Road near the Meteorological Research Center, Meenambakkam and sells tea, coffee and allied foods. Further, the learned counsel submitted that the 3rd respondent, without giving any opportunity or prior warning, he is trying to evict her from the bunk shop. That apart, the learned counsel also submitted that inspite of several representations sent to the 2nd respondent, requesting him not to evict her from the bunk shop, the same were not considered by the authorities.

5. The learned counsel for the petitioner further submitted that in similar circumstances, this Court, by order dated 29.10.2014 in W.P.No.28172 of 2014, disposed of the writ petition, by directing the petitioner therein to send a copy of the representation to the 2nd respondent and on receipt of the said representation, the 2nd respondent was directed to pass orders on the same in accordance with law. Further, this Court directed the 2nd respondent not to dispossess the petitioner therein till her representation is considered by the 2nd respondent.

6. Mr.P.V.Selvakumar, learned Standing Counsel appearing for the 2nd respondent submitted that the order passed in W.P.No. 28172 of 2014, can be passed in this writ petition also.

7. In view of the submissions made by the learned counsel on either side, I direct the 2nd respondent to consider the petitioner's representation dated 21.03.2016 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the 2nd respondent is directed not to dispossess the petitioner from the bunk shop.

With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

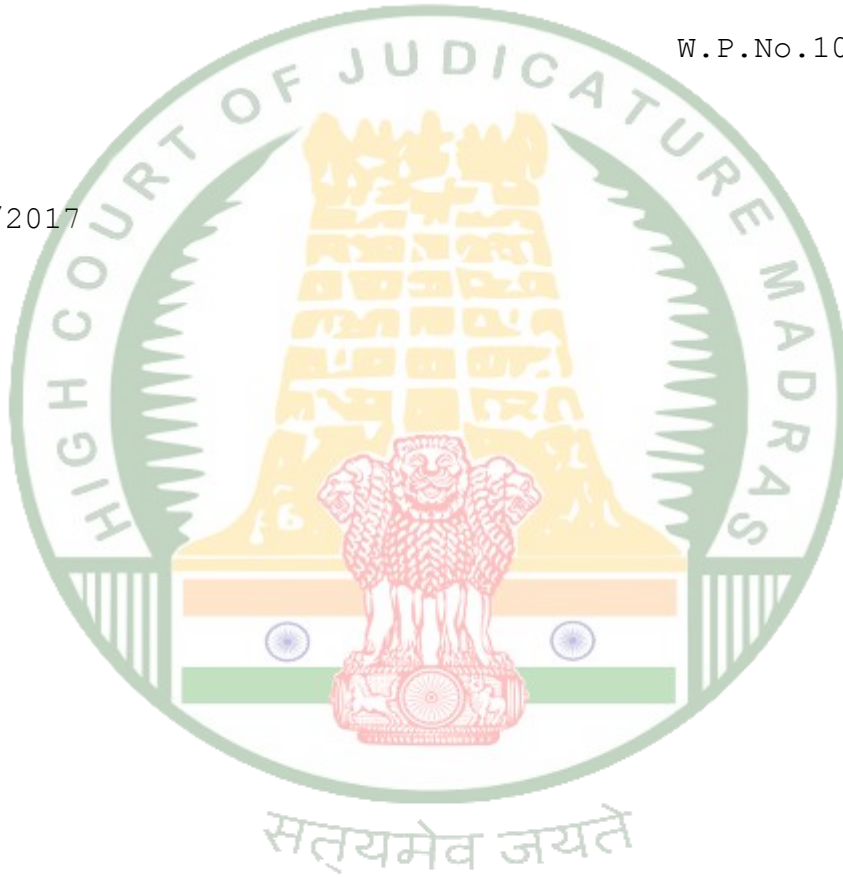
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+1cc to M/S.Selvakumar, Advocate Sr.26328
+1cc to the Government Pleader Sr.26407
+2cc to M/S.D.Karthick, Advocate Sr.25798

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srg 04/05/2017



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