

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.7831 of 2017

S.E.Azhagu Thennavan

.. Petitioner

Vs.

1 The Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Tambaram, Chennai-42.

2 The Assistant Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Tambaram, Chennai-42.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the second respondent bearing No.1120/2016/EVaA, dated 21.03.2017 issued to the petitioner under section 28(ii) of the Tamilnadu Highways Act 2001 and consequently forbearing the respondents from initiating any action pursuant to the impugned alleged Show Cause Notice dated 21.03.2017 issued to the petitioner under Sec.28(ii) of the Tamilnadu Highways Act 2001 by the second respondent.

For Petitioner

: Dr.C.Ravichandran

For Respondents

: Mr.M.K.Subramanian
Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.K.Subramanian, learned Government Pleader takes notice for the respondents.

2. The petitioner has filed this writ petition seeking issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the second respondent bearing No.1120/2016/EVaA, dated 21.03.2017 issued to the petitioner under section 28(ii) of the Tamilnadu Highways Act 2001 and consequently forbearing the respondents from initiating any action pursuant to the impugned alleged Show Cause Notice dated 21.03.2017 issued to the petitioner me under Sec.28(ii) of the Tamilnadu Highways Act 2001 by the second respondent.

3. The petitioner is a physically challenged person. He is running a bunk shop on Tambaram-Velachery Main Road. On 30.11.2016, the petitioner made a representation to the Centre for Disabled Persons requesting them to recommend to the Highways Department for issuing NOC to continue to run the bunk shop. In response to the same, the Rehabilitation Officer for Disabled Persons, Chengalpattu, vide letter dated 5.12.2016, requested the Highways Department to consider the application of the petitioner for grant of NOC in accordance with law. While so, it is stated that the second respondent has issued the impugned notice dated 21.3.2017 directing eviction of the petitioner's bunk shop. Assailing the same, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the respondents to consider the case of the petitioner in the light of the recommendation made by the Rehabilitation Officer for Disabled Persons, Chengalpattu, vide letter dated 5.12.2016, and pass appropriate orders in accordance with law within three months from the date of receipt of a copy of this order. We make it clear that in the meanwhile, the respondent authorities shall not take any coercive action against the petitioner.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.Nos.8564 and 8565 of 2017 are closed.

-s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To:

- 1 The Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Tambaram, Chennai-42.
- 2 The Assistant Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Tambaram, Chennai-42.

+1 Cc to Dr. C. RaviChandran, Sr 19782

W.P.No.7831 of 2017

VGI (CO)
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