

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.788 of 2017

J.Varteen

.. Petitioner

-vs-

1. The State Commissioner for Differently Abled
O/o State Commissioner for Differently Abled
J.N.Ring Road
Chennai 600 078
 2. The Secretary to the Government
Local Administration Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009
 3. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to dispose of petitioner's representation dated 20.12.2016 requesting to grant license or permission to run the bunk shop at Perambur Barracks Road, near Anjaneyar Temple and till such time forbearing the respondents, their men, agents, servants, representatives and subordinates from dispossessing or interfering with his peaceful business in the said bunk shop at Perambur Barracks Road, near Anjaneyar Temple.

For Petitioner :: Mr.K.Kannan

For Respondents :: Mr.S.Navaneethan
Additional Government Pleader
for R1 & R2
Mr.P.V.Selvakumar for R3

ORDER

Mr.J.Varteen, who claims to be 70% impaired, has come to this Court seeking issuance of a writ of mandamus, directing the

respondents to dispose of his representation dated 20.12.2016 requesting to grant licence or permission to run the bunk shop at Perambur Barracks Road, near Anjaneyar Temple and till such time forbearing the respondents, their men, agents, servants, representatives and subordinates from dispossessing or interfering with his peaceful business in the said bunk shop at Perambur Barracks Road, near Anjaneyar Temple.

2. Heard the learned counsel for the petitioner. Mr.S.Navaneethan, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2. Mr.P.V.Selvakumar, learned standing counsel takes notice on behalf of the third respondent.

3. The petitioner has been issued with a disability certificate certifying 70% permanent physical impairment. Since his family has not taken care of him, with the help of his friends and known source, he has set up a bunk shop at Perambur Barracks Road, near Anjaneyar Temple for selling tea, coffee and biscuits without any disturbance either to the general public or to the pedestrians for ingress. As the petitioner is eking out his day-to-day livelihood without expecting anybody's hand and his bunk shop is not posing any nuisance or disturbance to anybody's peaceful enjoyment of the access in the Perambur Barracks Road, the subordinates of the respondents 2 and 3 are attempting to dispossess him from the said bunk shop and they have gone to the extent of evicting his shop from the said place, ignoring the fact that he is a physically challenged person, without an opportunity to run the business in the said place. Therefore, he has made a representation on 20.12.2016 to the respondents demanding necessary licence or permission to run the bunk shop in the aforementioned place. Although the respondents had received his representation, instead of passing any order to grant licence, they are disturbing his peaceful possession in the bunk shop. Therefore he has been advised to come to this Court.

4. The affidavit filed in support of the writ petition does not show on what date the subordinates of the respondents visited the petitioner's bunk shop or made attempts to evict the said shop. Secondly, the petitioner has admittedly put up his bunk shop at Perambur Barracks Road without getting prior permission from the competent authority. Therefore it is not permissible for anyone including the petitioner to run the bunk shop, as he has to get prior permission. The learned standing counsel for the third respondent also submitted that the Perambur Barracks Road is very narrow and heavily congested, however, the representation of the petitioner will be considered.

5. In view of the above, the third respondent is directed to consider and dispose of the representation of the petitioner dated 20.12.2016 in accordance with law within a period of ten days from the date of receipt of a copy of this order. Till then, the petitioner cannot run the bunk shop in the place in question. The writ petition is disposed of accordingly. Consequently, W.M.P.No.822 of 2017 is closed. No costs.

s/d-
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The State Commissioner for Differently Abled
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Chennai 600 078
2. The Secretary to Government
Local Administration Department
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3. The Commissioner
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Chennai 600 003

+1 CC to Mr. P.V. Selvakumar, Advocate sr 2724
+1 CC to Mr. K. Kannan, Advocate sr 2582

सत्यमेव जयते

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