

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.21010 of 2017

P.Selvakumar

... Petitioner

-vs-

- 1.The State Commissioner for Differently-abled persons, nearby Queen Mary's College, No.5, Kamarajar Salai (Lady Wellington College campus), Chennai-600 005.
 - 2.The Dean Government Women and Children's Hospital, Egmore, Chennai 600 008.
 - 3.The Dean Government Hospital for Women and Children (Belonging to Kilpauk Medical College), Egmore, Chennai 600 008.
 - 4.The Commissioner, Chennai Corporation, Ripon Buildings, Chennai 600 003.
 - 5.The Assistant Commissioner of Police, Egmore Circle Police Station, Egmore, Chennai 600 008.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the 2nd and 4th respondents to consider his representation dated 30.06.2017 and permit the petitioner to run the Aavin Milk Shop within the premises of Government Women and Child Hospital, Egmore, Chennai-8.

For Petitioner : Mr.P.Britto

For Respondents: Mr.P.V.Selvakumar
Addl. Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to consider his representation dated 30.06.2017 and permit the petitioner to run the Aavin Milk Shop within the premises of Government Women and Child Hospital, Egmore, Chennai-8.

3.The learned counsel appearing for the petitioner submitted that in similar circumstances, the Division Bench of this court, by order dated 28.02.2017, passed the following order:-

"5.On hearing the learned counsel for the parties, suffice it to direct the Vending Committee constituted vide G.O. (4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the representation of the petitioner dated 27.1.2017 and pass appropriate orders in accordance with law, within three months from the date of receipt of a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the ground urged in this petition can be raised before the Committee."

4. Mr.P.V.Selvakumar, learned Additional Government Pleader, appearing for the respondents submitted that the order passed by the Division Bench of this court can be followed in this writ petition also.

5. In view of the submissions made by the learned counsel on either side, I direct the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the petitioner's representation dated 30.06.2017 and pass appropriate orders, in accordance with law, within three months from the date of receipt of

a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the grounds urged in this writ petition can be raised before the Committee.

With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sra

To

1. The State Commissioner for Differently-abled persons, nearby Queen Mary's College, No.5, Kamarajar Salai (Lady Wellington College campus), Chennai-600 005.
 - 2.The Dean Government Women and Children's Hospital, Egmore, Chennai 600 008.
 - 3.The Dean Government Hospital for Women and Children (Belonging to Kilpauk Medical College), Egmore, Chennai 600 008.
 - 4.The Commissioner, Chennai Corporation, Ripon Buildings, Chennai 600 003.
 - 5.The Assistant Commissioner of Police, Egmore Circle Police Station, Egmore, Chennai 600 008.
- +1cc to Mr.P.V.Selvakumar,Advocate sr.56637
+1cc to Mr.P.Brito,Advocate sr.56600
+1cc to Government Pleader sr.57492

W.P.No.21010 of 2017

ss(22/8/2017)