

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM

THE HON'BLE Mr. HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
and
THE HON'BLE Mr. JUSTICE R.MAHADEVAN

W.A.No.91 of 2017

S.Nagarajan

..Appellant

Vs.

1.The Special Commissioner for Handicapped,
Office of the State Commissioner for Disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 6.

2.The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai - 3.

3.The Zonal Officer VII,
No.536, Chennai Tiruvalluvar
Highway Road,
Ambattur, Chennai - 53.

..Respondents

Appeal filed under Clause 15 of The Letters Patent against
the order dated 01.06.2016 in W.P.No.17485 of 2016.

Prayer in WP. 17485/2016:- Petition presented under Article 226
Constitution of India to issue a Mandamus directing the
respondents to dispose of the Petitioner's representation dated
16/03/2016 in accordance with law, after affording an
opportunity to the Petitioner.

For Appellant : Mr.M.Gnanasekar

For Respondents : Ms.Vasudha Thiagarajan,
Addl. Govt. Pleader for R1
Mr.V.C.Selvasekaran
for R2 & R3

ORDER

(Order of the Court was made by THE ACTING CHIEF JUSTICE)

This writ appeal is directed against the order dated 01.06.2016 made in W.P.No.17485 of 2016, whereby the prayer sought for by the writ petitioner/appellant was dismissed as it was against the public interest.

2.The case of the writ petitioner/appellant, who is the otherwise abled person (disabled), is that he is running a small tea shop near Saravana Stores, Paadi, Ambattur, Chennai and since the second respondent is attempting to evict the appellant from the bunk shop, he made a representation dated 16.03.2016 to the first respondent. Since no action was taken on the said representation, the writ petitioner/appellant has filed the writ petition. Holding that the writ petitioner/appellant does not have any right to run a shop on platforms and road margins, the learned single Judge dismissed the writ petition. Aggrieved by the same, the writ petitioner has come up with the present writ appeal.

3.Heard Mr.M.Gnanasekar, learned counsel appearing for the appellant, Ms.Vasudha Thiagarajan, learned Additional Government Pleader appearing for the first respondent and Mr.V.C.Selvasekaran, learned counsel appearing for respondents 2 and 3.

4.Learned counsel appearing for respondents 2 and 3 submits that establishment of bunk shops on the highway is impermissible.

5.In view of the Vending Committee having been constituted vide G.O. (4D) No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016 and the proceedings of the Commissioner of Corporation in RDC.No.007/2016, dated 01.11.2016 nominating the members of the Vending Committee, it is for the appellant to approach the Vending Committee by filing an application. On such application being filed, the Vending Committee shall consider the same and pass orders on its own merits and in accordance with law within a period of three months from the date of receipt of a copy of the judgment. The writ appeal shall stand disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Special Commissioner for Handicapped,
Office of the State Commissioner for Disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 6.

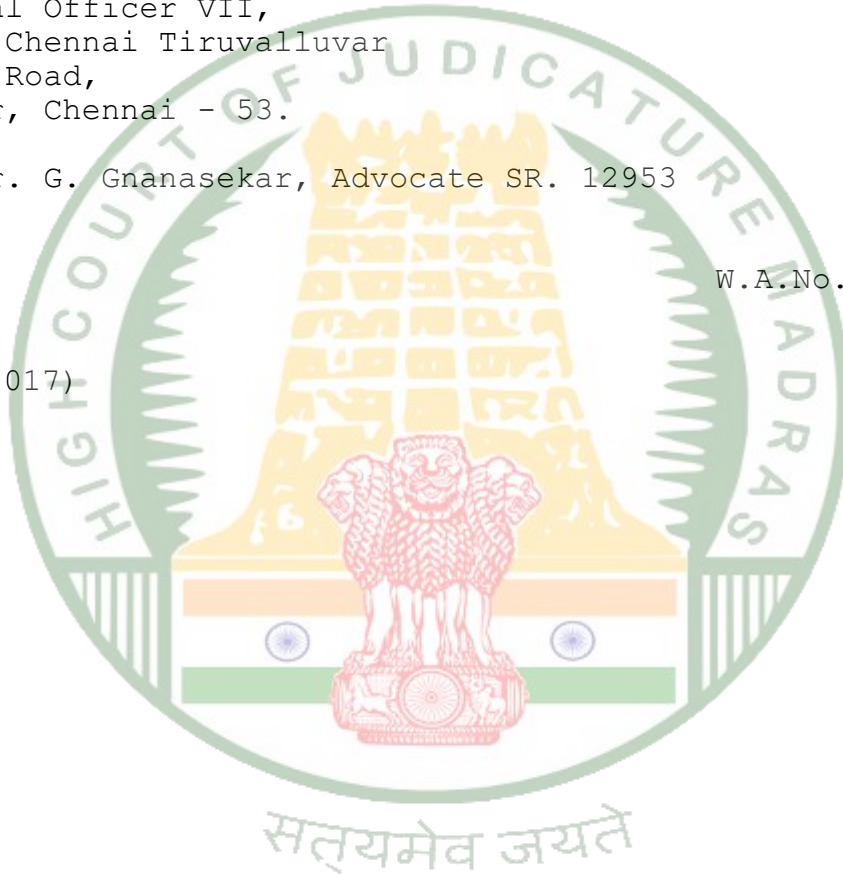
2.The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai - 3.

3.The Zonal Officer VII,
No.536, Chennai Tiruvalluvar
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Ambattur, Chennai - 53.

+1cc to Mr. G. Gnanasekar, Advocate SR. 12953

W.A.No.91 of 2017

RSG(CO)
VR(09/03/2017)



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