

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1367 of 2017

Samundeswari
D/o Subramani Pillai ... Petitioner

-vs-

1. The Special Commissioner for Handicapped
Office of the State Commissioner of Disabled
No.15/1, Model School Road
Thousand Lights
Chennai 600 006
2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
3. The Divisional Engineer
Highways and Rural Works Department
Saidapet
Chennai 600 035
4. The Commissioner of police
E.V.R.High Road
Chennai 600 007 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to dispose of petitioner's representation dated 29.06.2016, issuance of license bunk shop on the line of G.S.T.Road by the side of Chromepet Railway Station, Opp. Sekar Enterprises, Chennai-44, selling tea, coffee, snacks and fast food.

For Petitioner::M/s P.S.Mercy Gnanammal
& N.A.Saddique

For Respondent::Mr.R.Govindasamy
Special Government Pleader for
R1, 3 & 4
Mr.P.V.Selvakumar for R2
Standing Counsel

ORDER

Ms.Samundeswari, D/o Subramani Pillai has come to this Court seeking issuance of a writ of mandamus, directing the second respondent-Commissioner, Corporation of Chennai to dispose of her representation dated 29.6.2016 for issuance of license for running the bunk shop on the line of G.S.T.Road by the side of Chromepet Railway Station, Opp. Sekar Enterprises, Chennai for selling tea, coffee, snacks and fast food.

2. Learned counsel for the petitioner submitted that the petitioner is a physically challenged person with 100% disability caused by polio parasis. However, to eke out her livelihood, she is running a bunk shop on the line of G.S.T.Road by the side of Chromepet Railway Station, Opp. Sekar Enterprises, Chennai by selling tea, coffee, snacks and fast food. While she has been running the said shop, the Divisional Engineer, Highways and Rural Works Department, the third respondent herein, without giving any prior notice, is trying to evict her bunk shop. Therefore, she gave a representation to the second respondent-Commissioner, Corporation of Chennai requesting him not to evict her bunk shop. But the second respondent keeps on disturbing the petitioner's business. Therefore, several representations were given not to disturb her peaceful possession of the bunk shop, as her bunk shop is no way disturbing the general public or the free flow of traffic. Considering the factor that the petitioner is a physically challenged person, the respondents, considering Section 43 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which says that the petitioner has a statutory right of business, should have considered the representation. As they have not done so, the petitioner has been advised to approach this Court. Therefore a direction may be issued to the second respondent to dispose of her representation dated 29.6.2016.

3. Mr.P.V.Selvakumar, learned standing counsel takes notice on behalf of the second respondent.

4. As the petitioner's representation is pending for a long time, the second respondent-Commissioner, Corporation of Chennai, is hereby directed to consider and dispose of the petitioner's representation within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss
To

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4. The Commissioner of police
E.V.R.High Road
Chennai 600 007.

+lcc to Mr.N.A.Saddique, Advocate Sr.4012
+lcc to Mr.P.V.Selvakumar, Advocate SR.3658

W.P.No.1367 of 2017

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