

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1368 of 2017

R.Kannan

... 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 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 the petitioner's representation dated 26.11.2016, issuance of license bunk shop on the line of Third Avenue Road, in front of service road, near by IndusInd Bank Ltd., Opp. CNK College for Men, Anna Nagar, Chennai-40, selling tea, coffee, snacks and fast food.

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

For Respondents:: Mr.R.Govindasamy
Special Government Pleader
for R1 & R3
Mr.P.V.Selvakumar for R2

ORDER

Mr.R.Kannan has come to this Court seeking issuance of a writ of mandamus, directing the second respondent-Commissioner, Corporation of Chennai to dispose of his representation dated 26.11.2016 for issuance of license for running the bunk shop on the line of Third Avenue Road, in front of service road near by IndusInd Bank Ltd., Opp. CNK College for Men, Anna Nagar, 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 90% disability caused by polio parasis. However, to eke out his livelihood, he is running a bunk shop on the line of Third Avenue Road, in front of service road near by IndusInd Bank Ltd., Opp. CNK College for Men, Anna Nagar, Chennai by selling tea, coffee, snacks and fast food. While he has been running the said shop, there has been a threat to evict his bunk shop. Therefore he gave a representation to the second respondent-Commissioner, Corporation of Chennai requesting him not to evict his bunk shop. But the second respondent keeps on disturbing the petitioner's business. Therefore, several representations were given not to disturb his peaceful possession of the bunk shop, as his 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, after considering Section 43 of the Persons with Disabilities (Equal Protection, Equal Opportunities and Right to 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 his representation dated 26.11.2016.

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 stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Special Commissioner for Handicapped
Office of the State Commissioner of Disabled
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Thousand Lights
Chennai 600 006
2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
- 3.The Commissioner of police
E.V.R.High Road
Chennai 600 007

+1cc to Mr.P.Selvakumar, Advocate Sr.3654
+1cc to Mr.N.A.Saddique, Advocate Sr.4014

W.P.No.1368 of 2017

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srg 25/01/2017