

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1369 of 2017

A.Balavesamuthu ... 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 and third respondents to dispose of the petitioner's representation dated 10.10.2016, issuance of license bunk shop on the line of 100 feet Ring Road by the side of Anna Nagar Bus Depot Carriage Opp. Anbu Colony Apartments, Anna Nagar, Chennai, 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, 3 & 4
Mr.P.V.Selvakumar for R2

ORDER

Mr.A.Balavesamuthu has come to this Court seeking issuance of a writ of mandamus, directing the second respondent-Commissioner, Corporation of Chennai and the third respondent-Divisional Engineer, Highways and Rural Works Department to dispose of his representation dated 10.10.2016 for issuance of license for running the bunk shop on the line of 100 feet Ring Road by the side of Anna Nagar Bus Depot Carriage, Opp. Anbu Colony Apartments, 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 60% disability caused by polio parasis. However, to eke out his livelihood, he is running a bunk shop on the line of 100 feet Ring Road by the side of Anna Nagar Bus Depot Carriage Opp. Anbu Colony Apartments, Anna Nagar, Chennai by selling tea, coffee, snacks and fast food. While he 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 his bunk shop. Therefore he gave a representation to the second respondent-Commissioner, Corporation of Chennai and the third respondent-Divisional Engineer, Highways and Rural Works Department requesting them not to evict his bunk shop. But the respondents keep 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 and third respondents to dispose of his representation dated 10.10.2016.

3. Mr.P.V.Selvakumar, learned standing counsel takes notice on behalf of the second respondent. Mr.R.Govindasamy, learned Special Government Pleader takes notice on behalf of the other respondents.

4. As the petitioner's representation is pending for a long time, the second and third respondents are 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

ss
To

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

+1cc to Mr.P.V.Selvakumar, Advocate Sr.3653
+1cc to Mr.N.A.Saddique, Advocate Sr.4013

W.P.No.1369 of 2017

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srg 25/01/2017