

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.28239 of 2017

K.Krishnan

... 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,
EVR High Road,
Chennai - 600 007.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 31.07.2017, for issuance of license bunk shop on the line of Sterling Road by the side of "Europa" Fashion Dresses Showroom, R.K.Tower, Opp. Loyala College, Nungambakkam, Chennai-600 006, for running fast food and tiffen stall.

For Petitioner : M/s.Mercy Gnanammal
for M/s.M.Sudhakar

For RR1 & 3 : Mr.S.Diwakar,
Special Government Pleader

For RR2 : Mr.T.C.Gopalakrishnan

ORDER

The petitioner has come forward with this writ petition seeking direction to the 2nd respondent to dispose of his representation dated 31.07.2017, for issuance of license for his bunk shop on the line of Sterling Road by the side of "Europa" Fashion Dresses Showroom, R.K.Tower, Opp. Loyala College,

Nungambakkam, Chennai-600 006, for running fast food and tiffen stall.

2. The case of the petitioner is that he is a physically handicapped person with 75% disability due to polio paralysis. The petitioner is running a bunk shop on the line of Sterling Road by the side of "Europa" Fashion Dresses Showroom, R.K.Tower, Opp. Loyala College, Nungambakkam, Chennai-600 006, selling fast food and tiffen. The Officials of the 3rd respondent, without giving any opportunity are trying to evict his bunk shop. According to the petitioner, the bunk shop is no way disturbing the general public and free flow of traffic and hence the petitioner has made representations to the 2nd respondent not to disturb his business. Since no action has been taken on the said representations, the petitioner has filed the above Writ Petition for the relief stated supra.

3. The learned counsel appearing for the second respondent-Corporation submitted that there is no bunk shop of the petitioner in the said place as on date.

4. Since the petitioner has sent a copy of the representation dated 31.07.2017, to the first respondent to consider his case for issuing license to the bunk shop, if the petitioner is able to establish that he is running the said bunk shop on the line of Sterling Road by the side of "Europa" Fashion Dresses Showroom, the first respondent is directed to consider the said representation and pass appropriate orders on merits and in accordance with law within a period of one month, after hearing the petitioner. Before granting permission, the authority must ensure that Bunk shops, if any, will not affect free flow of traffic or cause hindrance to pedestrians and no harmful products like cigarettes, etc., that cause health hazards shall be sold.

5. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs

To

- 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,
EVR High Road,
Chennai - 600 007.

+lcc to Mr.M.Sudhakar, Advocate, S.R.No.78700

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