

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.28353 of 2017

M.Jainath Bee

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Park Town,
Chennai - 600 003.

2.The Commissioner of Welfare of the
Differently Abled,
Lady Wellington College Complex,
Kamarajar Salai, Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to allot and give permission a place at P.C.O. Road, opposite to Tirumala Palace lodge, Chennai 600 008, for the petitioner to run the bunk shop and forbearing the respondents from in any manner interfering with the running of the petitioner's bunk shop based on the representation dated 23.10.2017.

For Petitioner : M/s.S.Ramachandran
For R1 : Mr.T.C.Gopalakrishnan
For R2 : Mr.S.Diwakar, Spl.G.P.

ORDER

The petitioner has come forward with this writ petition seeking direction to the 1st respondent to allot and give permission a place at P.C.O. Road, opposite to Tirumala Palace lodge, Chennai 600 008, to run bunk shop and forbear the respondents from in any manner interfering with the running of the petitioner's bunk shop based on her representation dated 23.10.2017.

2. The learned counsel for the petitioner submitted that the petitioner is a handicapped person (PPRP both lower limbs) with

85% disability and she is running a bunk shop for more than three years at P.C.O. Road, opposite to Tirumala Palace lodge, Chennai 600 008. The officials of the 1st respondent all of a sudden threatened to remove her shop. The petitioner's family eke out their livelihood from the income of the bunk shop. Hence, the petitioner made a representation dated 23.10.2017 to the 1st respondent, not to disturb her from running the bunk shop and to issue a license for the said shop. Since the authorities have not considered her representation and informed her that her representation is pending before the Vending Committee of Corporation of Chennai, the petitioner has come forward with this petition with the above said prayer.

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

4. Taking into consideration the limited scope of the prayer made in the Writ Petition and without going into the merits of the case, this Court directs the respondents to consider the said representation of the petitioner, dated 23.10.2017 and after hearing the petitioner, appropriate orders be passed on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. 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.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

pvs

To

1.The Commissioner,
Corporation of Chennai, Rippon Building, Park Town,
Chennai - 600 003.

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2. The Commissioner of Welfare of the Differently Abled,
Lady Wellington College Complex,
Kamarajar Salai, Chennai.

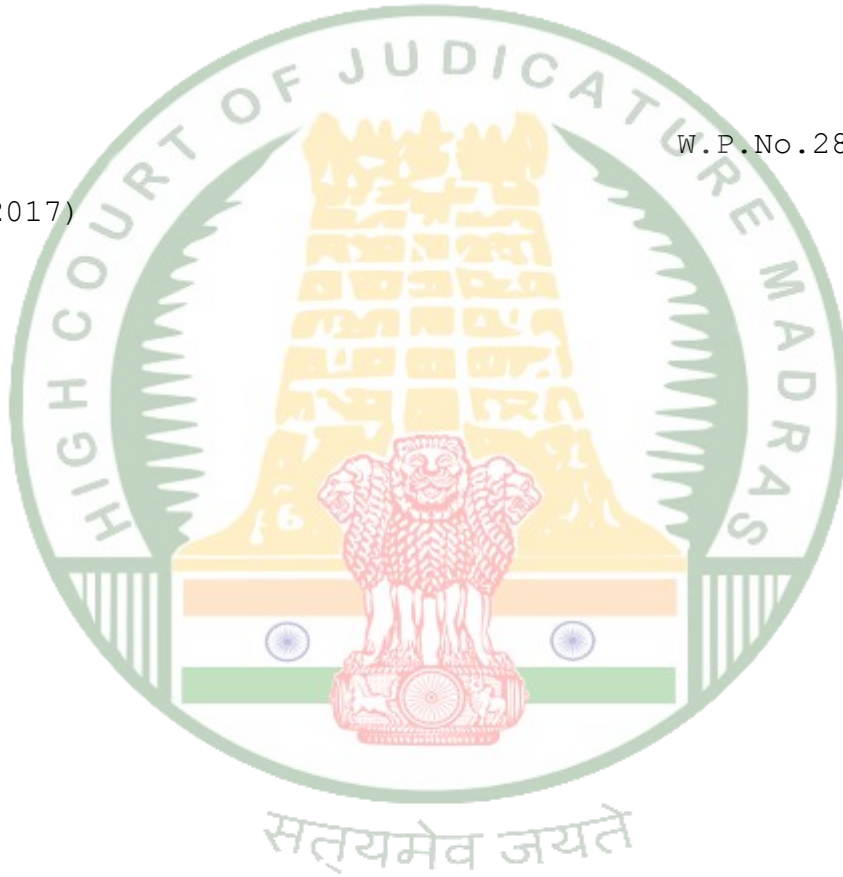
+1 CC to Mr.T.C. Gopalakrishnan, Advocate sr 79116.

+1 cC to Mr.S. Ramachandran, advocate sr 79147.

+1 CC to Govt. Pleader sr 80158

W.P.No.28353 of 2017

SP(21/11/2017)



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