

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29835 of 2017

D.Thenmozhi

.. Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
2. The Chairperson/Zonal Executive Engineer (Zone IV)
The Township Vending Committee,
Tondairpet,
Chennai-600 021.
3. The State Commissioner for Differently Abled
O/o. State Commissioner for Differently Abled
J.N.Ring Road,
Chennai-600 078.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to forbear the respondents from dispossessing and interfering with petitioner's peaceful possession and enjoyment in running Bunk shop in the line of T.H.Road, New Washermanpet, by the side Badra Motors, Chennai-600 081 and further to grant trade license to the Bunk Shop.

For Petitioner	: Mr.P.G.Thiyagu
For Respondents 1 & 2	: Mr.T.C.Gopalakrishnan
For Respondent 3	: Mr.S.Diwakar, Special Government Pleader

ORDER

The petitioner has come forward with above writ petition praying for issuance of a Writ of Mandamus to forbear the respondents from dispossessing and interfering with petitioner's peaceful possession and enjoyment in running Bunk shop in the line of T.H.Road, New Washermanpet, by the side Badra Motors, Chennai-600 081 and further to grant trade license to the Bunk Shop.

2. The case of the petitioner is that she is a physically handicapped person with 70% disability. She is running the Bunk Shop in the line of T.H.Road, New Washermanpet by the side of Badra Motors, Chennai-600 081. It is her further averment that she belongs to economically downtrodden sector family and her husband is suffering from Cardiac ailment. She is the sole bread winner of her family, as her husband could not work due to his illness. They are running their life only with the income generated from the Bunk shop. The bunk shop is located on the side of Badra Motors boundary and it is an outside area of the road and by the existence of the bunk shop, the flow of vehicles will not be disturbed and the shop is not visible to distract the commuters and there is also no disturbance to the Public or hindrance to the traffic flow. But the Officials of the first respondent are hindering her business. Hence, the petitioner gave a representation dated 27.09.2017 to the first respondent to grant trade license to her Bunk Shop and also not to disturb the functioning of shop by taking any coercive action to affect her livelihood and peace. She also sent a copy of the said representation to the 2nd and 3rd respondents. But, the respondents failed to consider her request and the same is kept in abeyance. Hence, she has filed this Writ Petition for the relief stated supra.

3. Since the petitioner has already sent a representation dated 27.09.2017 to the respondents to consider her case for issuing license to the bunk shop, if the petitioner is able to establish that she is running the said bunk shop on the line of T.H.Road, New Washermanpet, by the side of Badra Motors, the respondents are directed to consider the said representation of the petitioner and pass appropriate orders in accordance with law, within a period of 15 days from the date of receipt of a copy of this order, after hearing the petitioner and others, if any, aggrieved. Before granting permission to run the bunk shop, the authority concerned must ensure that the bunk shop of the petitioner shall not affect free flow of traffic and should not cause hindrance to the pedestrians/public and no harmful products like cigarettes, panparag, etc. that cause health hazards shall be sold. If it is found that the petitioner is violating the above conditions and other conditions that may be imposed in running the Bunk Shop, the Bunk Shop of the petitioner shall be sealed by the respondents without notice. Before doing so, the respondents can take videograph and photograph to justify their stand.

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

Sd/-
Assistant Registrar

//True copy//

CS

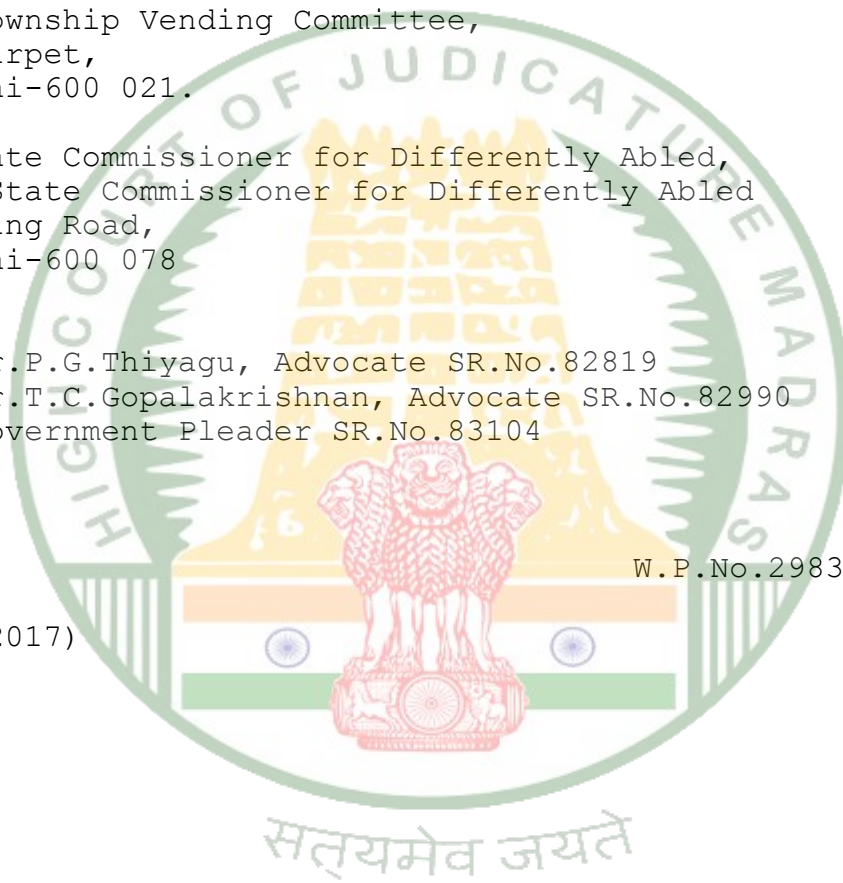
To

1. The Commissioner,
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Chennai-600 003.
2. The Chairperson/Zonal Executive Engineer (Zone IV)
The Township Vending Committee,
Tondairpet,
Chennai-600 021.
3. The State Commissioner for Differently Abled,
O/o. State Commissioner for Differently Abled
J.N.Ring Road,
Chennai-600 078

+1cc to Mr.P.G.Thiyagu, Advocate SR.No.82819
+1cc to Mr.T.C.Gopalakrishnan, Advocate SR.No.82990
+1cc to Government Pleader SR.No.83104

W.P.No.29835 of 2017

GN(11/12/2017)



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