

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.19640 of 2017 &
W.M.P.No.21211 of 2017

S.Jeevitha

... Petitioner

v.

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 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the respondents, in particular the 3rd respondent from in any way interfering writ petitioner's peaceful possession and enjoyment in running bunk shop in the line of Poonamallee High Road, by the side of Private Company, Opp. Gupta & Co., Ramapuram, Chennai - 89 pending disposal of petitioner's representation dated 05.11.2015 for issuance of licence for her above said bunk shop.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents : Mr.P.V.Selvakumar
Addl. Government Pleader

ORDER

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus forbearing the respondents, in particular the 3rd respondent from in any way interfering with her peaceful possession

and enjoyment in running bunk shop in the line of Poonamallee High Road, by the side of Private Company, Opp. Gupta & Co., Ramapuram, Chennai - 89 pending disposal of her representation dated 05.11.2015 for issuance of licence for her above said bunk shop.

3.The learned counsel appearing for the petitioner submitted that in similar circumstances, the Division Bench of this court, by order dated 28.02.2017, passed the following order:-

"5.On hearing the learned counsel for the parties, suffice it to direct the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the representation of the petitioner dated 27.1.2017 and pass appropriate orders in accordance with law, within three months from the date of receipt of a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the ground urged in this petition can be raised before the Committee."

4. Mr.P.V.Selvakumar, learned Additional Government Pleader, appearing for the respondents submitted that the order passed by the Division Bench of this court can be followed in this writ petition also.

5. In view of the submissions made by the learned counsel on either side, I direct the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the petitioner's representation dated 05.11.2015 and pass appropriate orders, in accordance with law, within three months from the date of receipt of a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the grounds urged in this writ petition can be raised before the Committee."

With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2017

Index : Yes/No

Note : Issue order copy by 02.08.2017

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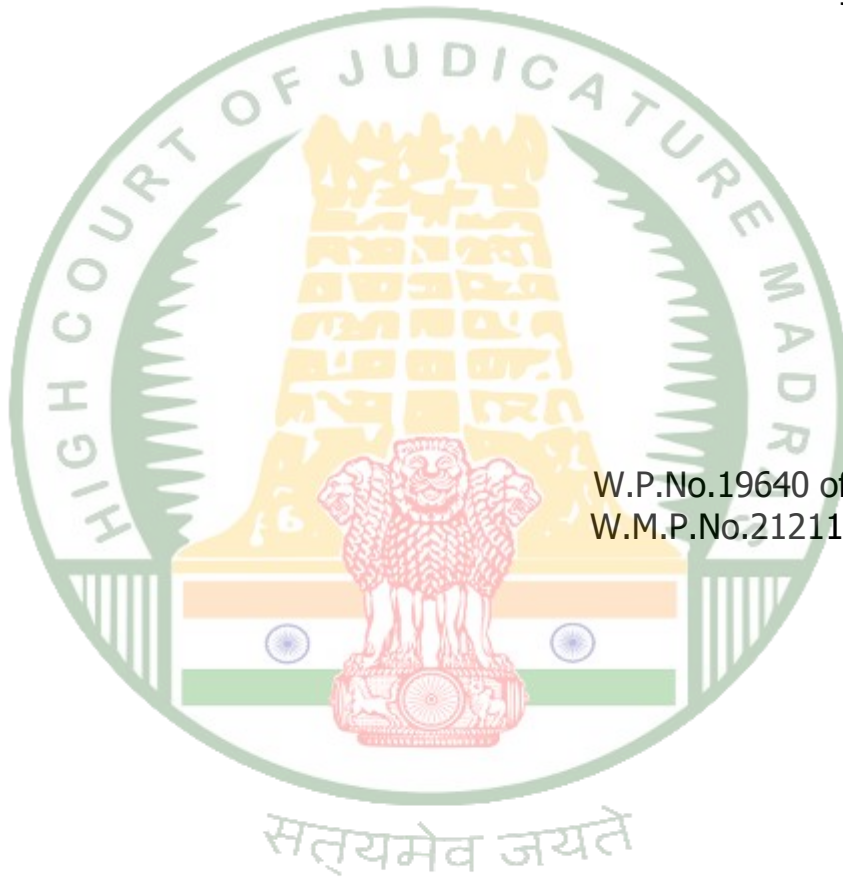
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M.DURAISWAMY, J.

Rj



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