

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.37321 of 2003

and

W.P.M.P.No.45296 of 2003

K.Rajendran

.. Petitioner

Vs.

1. The Regional Transport Officer,
Coimbatore (South).

2. The Executive Engineer,
Building Maintenance Division,
Coimbatore-1.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the first respondent herein in Na.Ka.No.89148/A2/03, dated ...11.2003 signed on 06.11.2003 and quash the same and consequently direct the respondents to renew the licence of the petitioner to run a STD Booth-cum-Xerox shop at the campus of the second respondent herein for a further period of three years.

For Petitioner : Mr.A.Ramkumar for M/s.AL.Ganthimathi
For Respondents : Mr.Akhil Akbar Ali, Govt. Advocate

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to quash the order of the first respondent herein in Na.Ka.No.89148/A2/03, dated ...11.2003, signed on 06.11.2003 and consequently direct the respondents to renew the licence of the petitioner to run a STD Booth-cum-Xerox shop at the campus of the second respondent herein for a further period of three years.

2. It is the case of the petitioner that he is an handicapped person and running STD Booth-cum-Xerox shop in the campus of the second respondent's office. The petitioner has made a representation on 05.06.2003 to the second respondent, wherein he has admitted that the licence granted to run the aforesaid Booth was for a period of one year and that is going

to come to an end on 24.07.2003 and he prayed that he may be allowed to continue for another three years.

3. According to the respondents, the licence was granted for a period of one year and renewable periodically depending upon the situation and that the request of the petitioner has been rejected by the impugned order, stating that the period has already expired on 23.07.2003.

4. The petitioner has obtained interim order from this Court on 19.12.2003, pursuant to which, he has been continuing the said shop in the place. Even going by the representation of the petitioner, he sought for renewal of licence for a period of three years, which has already expired as early as in 2006 and only by virtue of the interim order, he is continuing for more than ten years from the period of renewal sought for in his representation.

5. Hence, the Writ Petition is dismissed. However, this will not be a bar for the petitioner to make a fresh application for renewal of licence and if any such application is made, the same may be considered sympathetically taking into consideration the fact that the petitioner is a physically challenged person and in accordance with law. If the petitioner is still continuing in the place and running the said shop, he shall be removed forthwith. No costs. W.P.M.P. is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The Regional Transport Officer,
Coimbatore (South).

2. The Executive Engineer,
Building Maintenance Division,
Coimbatore-1.

+lcc to Mr.AL.Gandhimathi, Advocate SR.No.52412

+lcc to Government Pleader SR.No.53287

W.P.No.37321 of 2003

VGI(CO)
GN(10/08/2017)