



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P(MD) No.23349 of 2017

C.Thangam Gomathy

... Petitioner

vs.

1.The State Commissioner for differently
abled persons, nearby Queen Mary's College,
Lady Wellington Campus,
No.5, Kamaraj Salai,
Chennai - 600 005.

2.The District Collector,
Collectorate,
Tirunelveli, Tirunelveli District.

3.The Chief Medical Officer,
Government hospital at High Ground,
Palayamkottai,
Tirunelveli District.

4.The Commissioner,
Corporation of Tirunelveli,
Tirunelveli.

5.The Commissioner,
Police Head Quarters,
Tirunelveli City,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 herein to consider the petitioner's representation dated 25.10.2017 and permit her to run Bunk Shop within the Campus of Government Head Quarters Hospital at High Ground, Palayamkottai, Tirunelveli District.

For Petitioner : Mr.D.Selvanayagam
For R1 to R3 & R5 : Mr.M.Alagathevan
Special Government Pleader
For R4 : Mr.Aayiram K.Selvakumar

O R D E R

This writ petition has been filed seeking direction to the respondents 1 to 5 to consider the petitioner's representation dated 25.10.2017 and permit her to run a bunk shop within the campus of Government Head Quarters Hospital at High Ground, Palayamkottai,



Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and 5 and the learned counsel for the fourth respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that she is a differently-abled person and she has completed Diploma Course in "Electronics & Communication Engineering" and in order to have permanent income, she has given a representation dated 25.10.2017 to the respondents seeking permission to run a bunk shop within the campus of Government Head Quarters Hospital at High Ground, Palayamkottai, Tirunelveli District. As the same has not been considered so far by the respondents, the petitioner is before this Court with the above stated prayer.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court has already passed an order in WP(MD)No.21010 of 2017 dated 07.08.2017, in which, at paragraph Nos. 3 to 5, it is stated as follows:

"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 27.01.2017 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 grounds 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 30.06.2017 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 grounds urged in



this writ petition can be raised before the Committee."

5. Following the said order passed by this Court and also considering the fact that the said order is squarely applicable to the facts of the present case on hand, this writ petition is disposed of, with a direction to 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 25.10.2017 and pass appropriate orders, in accordance with law, within a period of six weeks 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 Vending Committee. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

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abled persons, nearby Queen Mary's College,
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Police Head Quarters,
Tirunelveli City,
Tirunelveli District.

5. The Commissioner,
Corporation of Tirunelveli,
Tirunelveli.

+1cc to Mr. AAYIRAM K. SELVAKUMAR, Advocate, SR. 93914

+1cc to Mr. D. SELVANAYAGAM, Advocate, SR. 93608

+1cc to M/S. Special Government Pleader, SR. 93840

W.P (MD) No. 23349 of 2017

19.12.2017

MJ

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RR/SV MMS/SAR 27/10.01.2018/ 3P- 9C/