

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10199 of 2018

S.Anbazhagan

...Petitioner

Versus

1.The Commissioner,
O/o.State Commissioner for differently abled,
Dr.Rajaji Salai, Triplecane,
Chennai - 600 005.

2.The Commissioner,
Corporation of Greater Chennai,
Rippon Building, Chennai - 600 003.

3.The Commissioner of Police,
Veppery, Chennai - 600 007.

4.The Inspector of Police,
F1, Chindatharipet Police Station,
Chennai - 600 002.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing respondents 2 and 3 not to interfere running the petitioner's bunk shop and directing the 2nd respondent to issue licence to run bunk shop at Dams Road Junction (Near to Gaiety Theatre) Chindatharipet, Chennai - 600 002, wherein selling tea, coffee and allied foods pursuant to the representation dated 27.2.2018.

For Petitioner : Mr.R.Karthick Sevugapperumal

For Respondents : Mr.V.Shanmugasundar

Special Government Pleader

for R1, 3 and 4

Mr.T.C.Gopalakrishnan

Standing counsel for R2

O R D E R

Heard Mr.R.Karthick Sevugapperumal, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader for the respondents 1, 3 and 4 and Mr.T.C.Gopalakrishnan, learned Standing counsel for the second

respondent and perused the materials on record.

2. The petitioner has come forward with this writ petition for issuance of a writ of mandamus, to direct the respondents 2 and 3 not to interfere with the running of his bunk shop and consequently direct the second respondent to issue licence to run bunk shop, based on his representation dated 27.2.2018.

3. According to the petitioner, he is a physically challenged person and he is running a bunk shop at Dams Road Junction (Near to Gaiety Theatre) Chindatharipet, Chennai - 600 002, for the past three years and he is entitled for licence as per Section 43 of the persons with disabilities (equal opportunities, protection of rights and full participation) Act, 1955. Hence, he gave a representation to the respondents dated 27.02.2018, seeking issuance of licence. Since it was not considered, the present writ petition.

4. The learned counsel for the respondents submitted that the petitioner is not running a bunk shop as stated in the affidavit. The Executive Engineer, Zone-5, Chennai Corporation, Chennai, is the competent authority and if a fresh representation is given, the same would be considered by him in accordance with law.

5. Considering the facts of this case and the submissions made by the learned counsel on either side, this Court directs, the petitioner to give a fresh representation to the Executive Engineer, Zone-5, Chennai Corporation, Chennai, by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the Executive Engineer, Zone-5, Chennai Corporation, Chennai, shall consider and pass appropriate orders on merits and in accordance with law within a period of twelve weeks therefrom, after providing an opportunity of hearing to all the necessary parties.

6. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Commissioner,
O/o.State Commissioner for differently abled,
Dr.Rajaji Salai, Triplecane,
Chennai - 600 005.

2.The Commissioner,
Corporation of Greater Chennai,
Rippon Building, Chennai - 600 003.

3.The Commissioner of Police,
Veppery, Chennai - 600 007.

4.The Inspector of Police,
F1, Chindatharipet Police Station,
Chennai - 600 002.

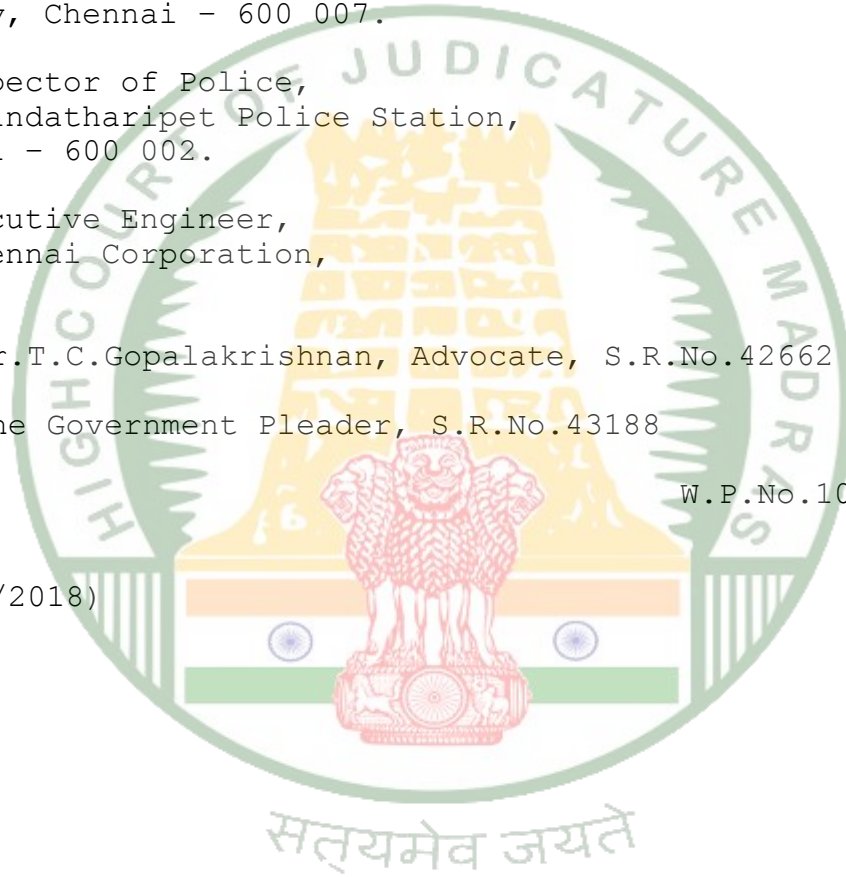
5.The Executive Engineer,
Zone-5 Chennai Corporation,
Chennai

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No.42662

+1cc to the Government Pleader, S.R.No.43188

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GSP(17/07/2018)



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