

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.4263 of 2018

J.Mohammed Ali

..Petitioner

Vs

1.The General Officer Commander-in-Chief,
Southern Command,
Pune - 411 001.

2.The Military Brigadier,
Station Commander-in-Chief,
Station Head Quarters,
Fort St.George,
Chennai - 600 009.

3.The Chief Executive Officer,
Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of writ of mandamus, forbearing the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop at B67, GST main road, Pallavaram, Chennai - 600 043, by selling tea, coffee and other food items, till the township vending committee decides as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act.

For Petitioner : Mr.S.Abimanyu

For Respondents : Mr.C.Mohan
for M/s.King & Patridge

O R D E R

This writ petition has been filed seeking issuance of writ of mandamus, forbearing the third respondent and their

officials, servants from interfering with the running of the petitioner's bunk shop situated at B67, GST main road, Pallavaram, Chennai - 600 043.

2. Heard Mr.S.Abimanyu, learned counsel for the petitioner and Mr.C.Mohan, learned counsel appearing for the respondents and perused the materials available on record.

3. According to the petitioner, he is physically challenged and having disability of 70%. As per Section 43 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995, it is the duty of the respondents to pave way for the disabled persons to provide job opportunities, so as to lead the life of a normal person.

4. The learned counsel for the petitioner submitted that the petitioner is running a bunk shop at B67, GST main road, next to Hotel Airway, Pallavaram, Chennai. The officials of the respondents are trying to interfere with the running of the petitioner's business.

5. The learned Standing counsel appearing for the respondents submitted that the petitioner had given only a representation and no formal application was given to the authorities, seeking licence. If a proper application is given by the petitioner, under Section 277 of Cantonment Act, the third respondent is ready to consider the same in accordance with law.

6. In the light of the above submissions, this Court, directs the petitioner to give a proper application to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. On such compliance the third respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks there from.

With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ms

To

1.The General Officer Commander-in-Chief,
Southern Command,
Pune - 411 001.

2.The Military Brigadier,
Station Commander-in-Chief,
Station Head Quarters,
Fort St.George,
Chennai - 600 009.

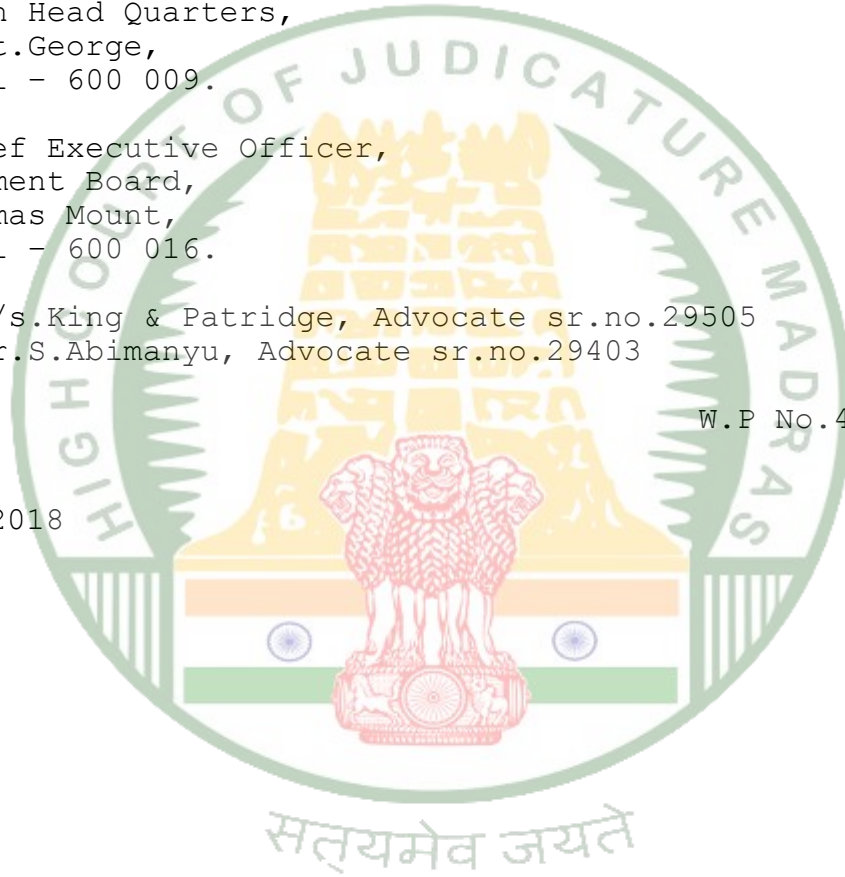
3.The Chief Executive Officer,
Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.

+1cc to M/s.King & Patridge, Advocate sr.no.29505

+1cc to Mr.S.Abimanyu, Advocate sr.no.29403

W.P No.4263 of 2018

sg(co)
nr 23/05/2018



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