

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9351 of 2018

S.Vijaya

... Petitioner

v.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
2. Zonal Commissioner,
Zone No.10,
Saidapet, Chennai - 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 to permit the petitioner to carry on Food Cart business between 8 am to 10 am in the morning and between 4.30 pm to 6.30 pm in the evening at Jones Road, Saidapet, Chennai.

For Petitioner : M/s.M.Balakrishna

For Respondents : Mr.T.C.Gopalakrishnan,
Standing Counsel

ORDER

Mr.T.C.Gopalakrishnan, learned Standing Counsel takes notice for the respondents. By consent of the learned counsels appearing for the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. The case of the petitioner is that she is a physically challenged person and the Government has issued a certificate stating that the petitioner has suffered 85% of disability. The petitioner would further state that she was carrying a business of selling food stuffs like Idli, Dosai, etc. for her livelihood. The petitioner would allege that in the month of February 2018, the officials of the respondent had removed the

superstructure put up by the petitioner and thereby, livelihood of the petitioner has been seriously affected.

3. The learned counsel for the petitioner submitted that the petitioner gave representation to the second respondent on 23.03.2018, requesting to permit her to carry on business in Jones Road, Saidapet, Chennai. Since no favourable order was passed, the present Writ petition has been filed.

4. It is further submitted that the petitioner would be satisfied, if a direction is issued to the second respondent to consider the representation of the petitioner.

5. The learned Standing Counsel for the respondents submitted that the petitioner has not furnished any proof for submitting representation to the second respondent and the second respondent was wrongly described as Zonal Commissioner instead of Zonal Officer, in the cause title. If a fresh representation is given to the Zonal Officer, Zone-10, he would consider the application of the petitioner in accordance with law.

6. In the light of the above submissions and the relief sought for in the Writ Petition, this Court, without going into the merits of the case, directs the petitioner to give fresh representation to the Zonal Officer, Zone-10, Saidapet, Chennai, within a period of two weeks, by enclosing a copy of this order. On such compliance, the Zonal Officer shall consider the same and pass orders on merits and in accordance with law, after providing an opportunity hearing to the petitioner, within a period of eight weeks therefrom.

7. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

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pvs

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

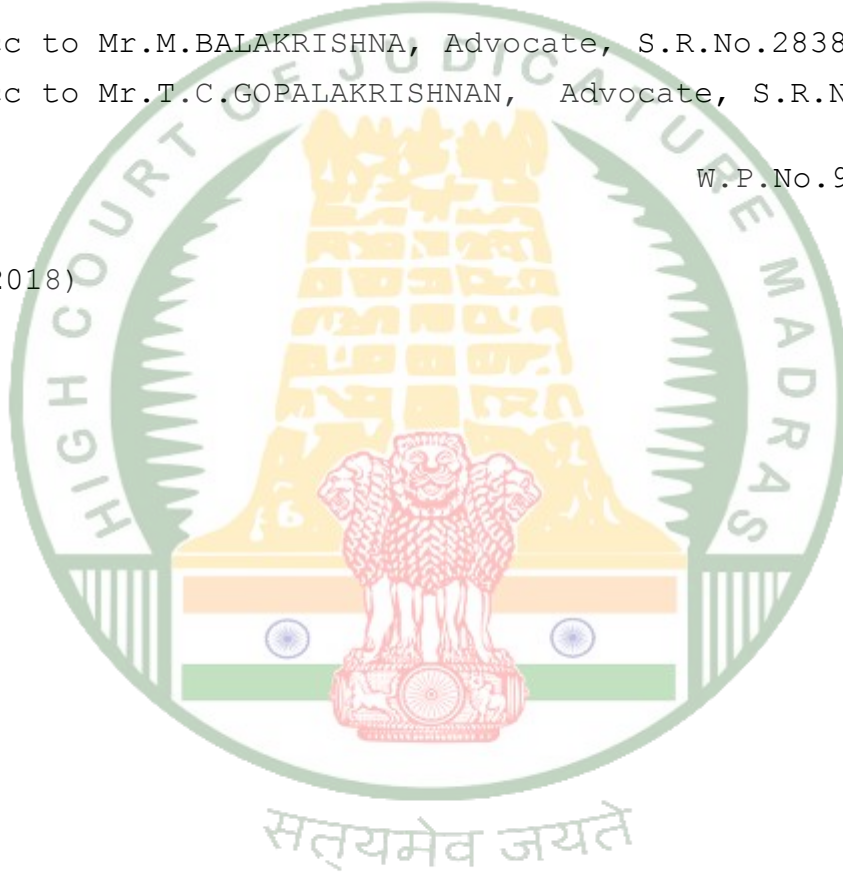
2. Zonal Officer,
Zone No.10,
Saidapet, Chennai - 600 015.

+2cc to Mr.M.BALAKRISHNA, Advocate, S.R.No.28387

+1cc to Mr.T.C.GOPALAKRISHNAN, Advocate, S.R.No. 28288

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SG(CO)
TR(16/05/2018)



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