

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.3562 of 2018

P.Arokya Samuel

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Park Town,
Chennai - 600 003.

2.The Commissioner of Welfare of the
Differently Abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to consider the petitioner's representation dated 05.04.2017 and direct the first respondent to give permission to the petitioner to run bunk shop at a place in front of southern side of Muslim Burial ground at Church Road, Mugappair, Chennai - 600 037, opposite to Arani Subramaniam Street, Golden George Nagar.

For Petitioner : Mr.K.Rajendrakumar

For Respondents : Mr.T.C.Gopalakrishnan
Standing counsel for R1

Mr.V.Shanmuga Sundar
Special Government Pleader, for R2

O R D E R

This petition has been filed for issuance of Writ of Mandamus to consider the petitioner's representation dated 05.04.2017 and to direct the first respondent to give permission to the petitioner to run bunk shop in front of southern side of Muslim Burial ground at Church Road, Mugappair,

Chennai - 600 037, opposite to Arani Subramaniam Street, Golden George Nagar.

2. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the first respondent and the learned Special Government Pleader appearing for the second respondent.

3. The case of the petitioner is that he is a physically challenged person having disability of 70% and running his business more than five years in the said place. The first respondent is trying to interfere with the running of the petitioner's business. Hence, he gave a representation to the first respondent on 05.04.2017. Since no action was taken, the present writ petition.

4. The learned standing counsel for the first respondent submitted that the petitioner is running his business in the said place and if a fresh representation is given to the Vending Committee, the same would be considered in accordance with law.

5. In the light of the above facts and submissions, this Court, without going into the merits of the case, directs the petitioner to give fresh representation to the Vending Committee within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the Vending Committee shall consider the representation of the petitioner and pass orders, on merits and in accordance with law, within a period of three months therefrom, after providing an opportunity of personal hearing to the petitioner. Till such time, the respondents shall not take any coercive action against the petitioner.

6. With the above observation and directions, the writ petition is disposed of. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

ms
To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Park Town,
Chennai - 600 003.

2.The Commissioner of Welfare of the
Differently Abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

+ 1 cc to Mr.K.Rajendrakumar Advocate,SR.22083

+ 1 cc to Mr.T.C.Gopalakrishnan Advocate,SR.22233

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NR 11/04/2018



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