

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.9913 of 2018

and

W.M.P.No.11840 of 2018

M.Aadhiappan

..Petitioner

Vs

1.The Special Commissioner for Handicapped
Office of the State Commissioner of Disabled
No.15/1, Model School Road,
Thousand Lights, Chennai - 600 006.

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

3.The Chairperson / Zonal Executive Engineer,
(Zone No.13), (The Town Vending Committee),
Corporation of Chennai, Adayar,
Chennai - 600 020.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus, forbearing the respondents, in particular the 2nd respondent from in any way interfering with petitioner's peaceful possession and enjoyment in running bunk shop in the line of Janaki Avenue Corporation Park (T.V.S.Corner), M.R.C.Nagar, Chennai - 28, where petitioner sell tea, coffee and snacks using LPG Stove pending disposal of the petitioner's representation dated 16.4.2018 for issuance of licence for his above said bunk shop.

For Petitioner : Mr.M.Arun

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader for R1
Mr.T.C.Gopalakrishnan
Standing Counsel for R2 and R3

O R D E R

Heard Mr.M.Arun, learned counsel for the petitioner,
Mr.V.Shanmuga Sundar, learned Special Government Pleader

appearing for the first respondent and Mr.T.C.Gopalakrishnan, learned Standing counsel appearing for the respondents 2 and 3.

2. This writ petition has been filed seeking issuance of writ of mandamus, forbearing the second respondent, from in any way interfering with the petitioner's peaceful possession and enjoyment in running the bunk shop at Janaki Avenue Corporation Park (T.V.S.Corner), M.R.C.Nagar, Chennai - 28, pending disposal of the petitioner's representation dated 16.4.2018.

3. The learned counsel for the petitioner submitted that the petitioner is a physically challenged person and he has been running a bunk shop at Janaki Avenue Corporation Park (T.V.S.Corner), M.R.C.Nagar, Chennai, by selling tea, coffee and snacks.

4. The learned counsel for the petitioner further submitted that 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. It is further submitted that the application of the petitioner for issuance of licence was not considered by the respondent. Hence, the present writ petition.

5. It is further submitted that in similar circumstances, this Court, issued a direction to the respondents to consider the representation of the petitioner, till the disposal of the representation interim order has been granted for protecting the interest of the petitioner.

6. The learned Standing counsel appearing for the respondents submitted that a Division Bench of this Court in W.P.No.16009 of 2017, dated 27.6.2017, issued a direction to the respondent-Corporation to remove the unauthorised encroachment in M.R.C.Nagar. Therefore, the respondents cannot grant any licence to the petitioner for running the bunk shop in M.R.C.Nagar. The order copy has been produced for perusal of this Court.

7. In the light of the above submission, I do not find any merit in this writ petition. Hence, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Special Commissioner for Handicapped,
Office of the State Commissioner of Disabled
No.15/1, Model School Road,
Thousand Lights, Chennai - 600 006.

+lcc to M/s.M.Arun, Advocate sr.no.62090

+lcc to M/s.T.P.Gopalakrishnan, Advocate sr.no.32407

+lcc to Government Pleader in sr.no.32807

W.P.No.9913 of 2018

nri(co)
nr 07/06/2018



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