

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20032 of 2009

Venkatraman

... Petitioner

Versus

- 1.The Chief Secretary,
Govt.of Tamil Nadu,
Fort St.George, Chennai.
 - 2.The Secretary,
Ministry of Social Welfare,
Fort. St.George, Chennai.
 - 3.The Special Commissioner
for Handicapped,
Office of the State Commissioner
for Disabled,
No.15/1 Model School Road,
Thousand Lights,
Chennai - 6.
 - 4.The District Collector,
Nagapattinam District,
Nagapattinam.
 - 5.The District Disability Rehabilitation Officer,
District Collectorate,
Nagapattinam.
- सत्यमेव जयते... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondent to forbear from shifting the District Disability Rehabilitation Office from Collectorate Campus Nagapattinam to Samathanpet, and direct the respondents to place the office of the District Disability Rehabilitation near by the ramp in the District Collectorate Campus, Nagapattinam.

For Petitioner : Mr.B.Vijayakumar

For Respondents : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is to direct the respondent to forbear from shifting the District Disability Rehabilitation Office from Collectorate Campus Nagapattinam to Samathanpet, and direct the respondents to place the office of the District Disability Rehabilitation near by the ramp in the District Collectorate Campus, Nagapattinam.

2.The office of District Disability Rehabilitation Officer is functioning in the Collectorate Campus of the Nagapattinam District. The petitioner's request to the respondents is not to shift the District Disability Rehabilitation Office from the Collectorate Campus, Nagapattinam and to provide an office place near the ramp in the Collectorate for easy access by the persons with disability.

3.The learned counsel for the petitioner submits that on 03.12.2008 a human chain to commemorate the world disability day was conducted and among various other demands, a demand of placing the District Disability Rehabilitation Office near by the ramp provided in the District Collectorate since there is no ramp close to the DDRO Office was put forth to the Collector and the District Disability Rehabilitation Officer. Further stated that the said demand of access was reported by the newspapers on 04.12.2008. The authorities responded orally that since the DDRO Office is going to be shifted to Samathanpet the authorities are not in position to accept the demand of the petitioner. It is further stated that the representations were given to the District Collector and the DDRO on 19.01.2009 explaining the advantages of the DDRO's Office located with the collectorate campus and disadvantages of the DDRO's Office being shifted to Samathanpet.

4.The learned counsel for the petitioner also contends that the petitioner gave his further representation dated 13.03.2009 to the 1st and 2nd respondent, but the same was neither responded nor any positive action taken to solve the issue. The proposed new office located at Samathanpet is 2 ½ kilometers away from the District Collectorate and there is no transport facilities to that area. Approximately 50,950 persons with disabilities are in the Nagapattinam District and each day many people access the DDRO's Office for their various requirements. If the office is shifted to a remote place, these persons with disabilities will be put to a great deal of hardship and inconvenience and most of the times irreparable loss.

5.The learned counsel for the petitioner, quotes Section 46 of the Rights of Persons with Disability Act, which reads as follows:-

"Section 46: Non-Discrimination in the built environment. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for-

- a) ramps in public buildings;
- b) adaptation of toilets for wheel-chair users.
- c) Braille symbols and auditory signals in elevators or lifts.

- d) Ramps in hospitals, primary health centers and other medical care and rehabilitation institutions."

The learned counsel further submits that the purpose and intent of the Act is easy access to the public buildings by the persons with disabilities and the Act has also provided that there shall be no discrimination in public transport which includes not only easy access but also adequate transport facilities. There is no/adequate transport facilities to the DDRO's Office being shifted to Samathanpet. That apart, the ramp provided for access to the Collectorate cannot be used by the persons with disabilities, because the same is used as a parking place for the two wheelers, which makes access to the Collectorate by the disabled persons difficult, despite the facility provided.

6.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents and perused the materials available on record.

7. Prayer in this writ petition is not to shift the District Disability Rehabilitation Office from the Collectorate Campus, Nagapattinam, and to provide an office place near the ramp in the Collectorate for easy access by the persons with disability. The main grievance of the petitioner is to provide ramp to the DDRO's Office. The learned Additional Government Pleader submits that already the DDRO Office was shifted to Samadhanpet and now functioning that after providing the facility of ramp to the new DDRO Office, to enable the disabled persons for easy ingress and egress and apart from that, more facilities, viz., Orthotic unit, physiotherapy Unit, Hear mould Sections have been established by the Public Works Department in the newly shifted DDRO Office at Samathanpet and the area of the new DDRO Office is 1500 sq.ft, which is more spacious when compared to the old DDRO Office of 550 sq.ft and there are more bus facilities have also been provided to the newly shifted DDRO Office and accordingly, the grievance/representation of the petitioner has been considered and complied with.

8.In view of the above, as the DDRO office was already shifted to Samadhanpet with more facilities, nothing survives for further adjudication in this Writ Petition. Hence, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Secretary,
Govt.of Tamil Nadu,
Fort St.George, Chennai.
- 2.The Secretary,
Ministry of Social Welfare,
Fort. St.George, Chennai.
- 3.The Special Commissioner
for Handicapped,
Office of the State Commissioner
for Disabled,
No.15/1 Model School Road,
Thousand Lights,
Chennai - 6.
- 4.The District Collector,
Nagapattinam District,
Nagapattinam.
- 5.The District Disability Rehabilitation Officer,
District Collectorate,
Nagapattinam.

+1cc to Mr.B.Vijayakumar, Advocate Sr.53108
+1cc to the Government Pleader Sr.53985

W.P.No.20032 of 2009

vg ii[co]
srg 14/12/2018