

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.01.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.34286 of 2017

S.Devi

...Petitioner

Versus

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.Tamil Nadu Slum Clearance Board,
Ezhilakam,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Chennai Corporation,
Chennai.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 21.11.2017 and consequently direct the respondents to permit the petitioner to run the bunk shop at Near Thulakkanathamman Kovil, Ayanapakkam Road, ICF Colony, Chennai.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.S.Divakar
Special Government Pleader for R1
Mr.M.Rajasekhar,
Standing counsel for R2
Mr.T.C.Gopalakrishnan,
Standing counsel for R3

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O R D E R

The petitioner has come up with the Writ Petition praying for the issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 21.11.2017 and consequently direct the respondents to permit the petitioner to run the bunk shop at Near Thulakkanathamman Kovil, Ayanapakkam Road, ICF Colony, Chennai.

2. The case of the petitioner is that she is a physically challenged person and she was in penurious circumstances. The petitioner was running a bunk shop and the same was closed. Thereafter, she had submitted a representation before the respondents on 21.11.2017, to permit her to start a bunk shop near Thulakkanathamman Kovil, Ayanapakkam Road, ICF Colony, Chennai and the same was still pending before the respondents. Hence, the present writ petition.

3. Heard Mr.K.Kathiresan, learned counsel appearing for the petitioner, Mr.S.Divakar, Special Government Pleader appearing for the first respondent, Mr.M.Rajasekhar, learned Standing Counsel appearing for the second respondent and Mr.T.C.Gopalakrishnan, learned Standing Counsel appearing for the third respondent.

4. The learned Standing counsel appearing for the third respondent submitted that as on date the petitioner is not running bunk shop and her application will be considered in accordance with law.

5. The learned counsel appearing for the petitioner fairly accept that the petitioner is not running the shop and seeks permission to put up a bunk shop.

6. In the light of the above facts and circumstances of the case and also taking into account the limited scope of the prayer made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 21.11.2017 and pass orders on merits and in accordance with law, after providing opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7. It is needless to state that the respondents shall follow the guidelines formulated in the order dated 18.09.2017 passed by the Hon'ble Apex Court in W.P.No.1141 of 1987 together with the order dated 12.10.2017 passed by this Court in W.P.No.26134 of 2017 for grant of regularisation to the petitioners. Those who are interested in availing a shop by approaching the Vending/Hawking Committee, must produce a copy of their Aadhar Card, failing which, no indulgence need be shown to them. This will prevent duplication of shops in the name of the same person.

8. With the above observations and directions, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

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To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.Tamil Nadu Slum Clearance Board,
Ezhilakam,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Chennai Corporation,
Chennai.

+lcc to Mr.T.C.Gopalakrishnan, Advocate SR.NO.4676
+lcc to Mr.K.Karthikesan, Advocate Sr.No.4655
+lcc to Mr.M.Rajasekar, Advocate Sr.No.4713
+lcc to Government Pleader SR.No.5523

RsY(c)

sm:19.2.2018

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