

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.05.2018
CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.11736 of 2018

A.Prakash

.. Petitioner

/versus/

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 Commissioner of Police,
E.V.R.High Road,
Chennai 600 007.

.. Respondents

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 26.02.2018 including vending committee constituted by the 2nd respondent for grant licence continue to run the petty shop and till such time, forbear the 2nd respondent from in any manner interfering with the running of petitioner bunk shop at Haddows Road, by the side of No.26, near by Shastri Bhavan, Chennai 600 034, selling tiffin and allied foods.

For Petitioner :M/s P.S.Mercy Gnanammal

For Respondents:Mr.R.Arunmozhi, Standing Counsel
for Chennai Corp.

For R3 :Mr.V.Kathirvelu
Special Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 26.02.2018 including vending committee constituted by the 2nd respondent for grant licence continue to run the petty shop and till such time, forbear the 2nd respondent from in any manner interfering with the running of petitioner bunk shop at Haddows Road, by the side of No.26, near

by Shastri Bhavan, Chennai 600 034, selling tiffin and allied foods.

2. The petitioner herein submits that he is running a petty shop in the line of Haddows Road by the side of No.26 near by Shastri Bhavan, Chennai 600 034 selling tiffin and allied foods. He is a physically disabled person and he is protected under the provision of Sections 61 to 63 of Persons with Disabilities (Equal Opportunities, Protection or Rights and Full Participation) Act, 1995, from being evicted from the place, where he is carrying on business. Under this circumstances, he has given a representation dated 26.02.2018 to the 2nd respondent the Commissioner of Chennai Corporation to permit him to run the petty shop without being disturbed.

3. In support of the writ petition, the learned counsel appearing for the petitioner would submit that a request for carrying on business in the platform has to be considered by the Vending Committee Constituted by the 2nd respondent. In a similar circumstances, this Court in W.P.No.23278 of 2017 has directed the first respondent viz., the Commissioner of Corporation of Chennai to consider the representation and pass appropriate order within the period of 3 months. Similar order may be passed in this petition.

4. The learned Standing Counsel appearing for the respondents would submit that if any such representation is sent, it will be considered as per the guidelines. However, the petitioner cannot claim as a matter of right to carry on business in the platform meant for public.

5. From perusal of the typed set of papers that the representation dated 26.02.2018 addressed to the second respondent the Commissioner of Chennai Corporation is found. There is not evidence to show that such representation was sent to the Commissioner and the same was received by the Commissioner. If any such representation received by the second respondent, Commissioner of Chennai Corporation, he shall dispose it of in accordance with law within the reasonable time.

6. With the above direction, this Writ Petition is disposed of. No costs.

-s/d-

Deputy Registrar/V.O

True Copy

Sub-Assistant Registrar

ari
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.

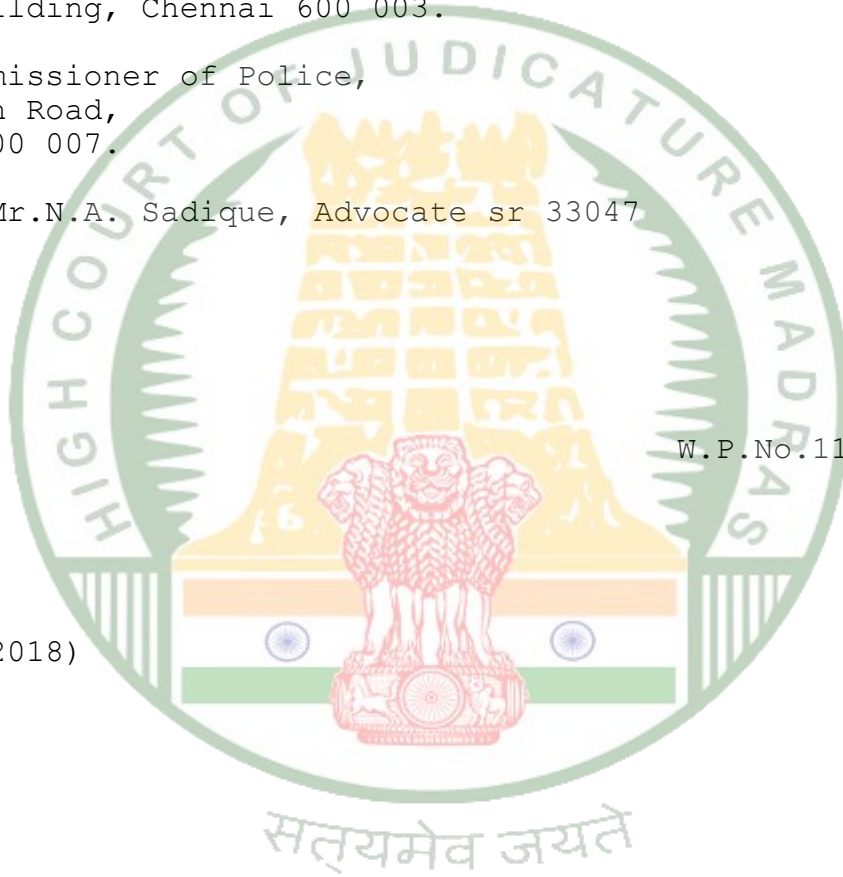
2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.

3.The Commissioner of Police,
E.V.R.High Road,
Chennai 600 007.

+1 CC to Mr.N.A. Sadique, Advocate sr 33047

W.P.No.11736 of 2018

NRL(CO)
SP(09/05/2018)



WEB COPY