

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.2886 of 2018

R.Murugan

...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Corporation Office,
Ribbon Buildings,
Chennai - 600 003.
2. The Assistant Commissioner / Executive Engineer,
Zone - 9, Ward -126, Corporation of Chennai,
D.B., Dasan Road, Chennai.
3. The Assistant Executive Engineer,
Zone-9, Ward -126, Corporation of Chennai,
D.B., Dasan Road, Chennai.
4. The Food Safety Officer,
Tamil Nadu Food Safety & Drug Administration Department,
5th Floor DMS Building,
No.259, Anna Salai DMS Campus,
Teynampet, Chennai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 herein to consider the representation made on 31.01.2018, permitting the petitioner to operate Hawker Permanent / Temporary stall holder at 2nd Trust Cross Street, Mandavelipakkam (opp.) to AIRTEL Office Chennai Corporation, Ward No.126, Zone IX, Chennai-28, as per the registration certificate issued by the Tamil Nadu Food Safety and Drug Administration Department (Food Safety Wing) registration Certificate No.22417549000132, dated 27.10.2017, valid up to 26.10.2018 issued under the physically challenged category.

For Petitioner : Mr.Vimal B. Crimson

For Respondents : Mr.T.C.Gopalakrishnan (for RR1 to 3)
Mr.N.Manikandan, G.A. (for R4)

ORDER

The petitioner has come forward with this writ petition to issue a writ of Mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner, dated 31.01.2018 to permit the petitioner to operate Hawker Permanent / Temporary stall holder at 2nd Trust Cross Street, Mandavelipakkam (opp.) to AIRTEL Office Chennai Corporation, Ward No.126, Zone IX, Chennai-28.

2. The case of the petitioner is that he is a physically challenged person by birth and due to poor financial condition, he could not pursue his studies and he is selling snacks in a four wheeler cycle cart. The respondents 2 and 3 prevented him from operating such stall and hence, the petitioner made a representation on 31.01.2018 to the respondents 1 to 3, seeking permission to operate Hawker Permanent / Temporary stall. Since no order has been passed still, the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the respondents 2 and 3 to consider the representation of the petitioner.

4. In the light of the above submission, this Court without going into the merits of the case, directs the respondents 2 and 3 to pass appropriate orders on the representation of the petitioner dated 31.01.2018, on merits and in accordance with law, after providing an opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Corporation of Chennai,
Corporation Office,
Ribbon Buildings,
Chennai - 600 003.
2. The Assistant Commissioner / Executive Engineer,
Zone - 9, Ward -126, Corporation of Chennai,
D.B., Dasan Road, Chennai 28.
3. The Assistant Executive Engineer,
Zone-9, Ward -126, Corporation of Chennai,
D.B., Dasan Road, Chennai 28.
4. The Food Safety Officer,
Tamil Nadu Food Safety & Drug Administration Department,
5th Floor DMS Building,
No.259, Anna Salai DMS Campus,
Teynampet, Chennai.

+1cc to Mr.T.C.Gopala Krishnan, Advocate, S.R.No.10063
+1cc to Mr.Vimal S.Crimson, Advocate, S.R.No.10329
+1cc to the Government Pleader, S.R.No.11749

RRK(21/02/2018)

WP.No.2886 of 2018

सत्यमेव जयते

WEB COPY