

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.29219 of 2012
& M.P.No.1 of 2012

P.Mariambee

...Petitioner

Vs.

1. The State Commissioner for Differently Abled persons,
O/o. the State Commissioner for Differently Abled,
Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003. ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to consider and pass orders on the petitioner's representation dated 18.10.2012 in the light of the orders passed in W.P.No.9467 of 2010, dated 05.05.2010 and till final decision is taken, not to disturb the running of the petitioner's shop situated at Opposite to Taj Hotel, Near to L & T, Club-House Road, Chennai by selling coffee, tea and allied food items.

For Petitioner : M/s.M.Kamalanathan
For Respondents : Mr.V.Shanmuga Sundar,
Spl.G.P. (for R1)
Mr.V.C.Selva Sekaran (for R2)

ORDER

This petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent to consider and pass orders on the petitioner's representation dated 18.10.2012 and not to disturb the running of the petitioner's shop situated at Opposite to Taj Hotel, Near to L & T, Club-House Road, Chennai by selling coffee, tea and allied food items.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent.

3. The case of the petitioner is that she is a physically handicapped person and running her business in the said place. The 2nd respondent is trying to interfere with the running of the petitioner's business. Hence, she gave a representation dated 18.10.2012. Since no action was taken, the present writ petition.

4. The learned standing counsel for the 2nd respondent submitted that the petitioner is running her business in the said place and if a fresh representation is given to the Vending Committee, the same would be considered in accordance with law.

5. In the light of the above facts and submissions, this Court, without going into the merits of the case, directs the petitioner to give fresh representation to the Vending Committee within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the Vending Committee shall consider the representation of the petitioner and pass orders, on merits and in accordance with law, within a period of eight weeks therefrom, after providing an opportunity of hearing to the petitioner. Till such time, the respondents shall not disturb the running of the petitioner's shop.

6. With the above observation and directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

pvs
To

1. The State Commissioner for Differently Abled persons,
O/o. the State Commissioner for Differently Abled,
Nehru Inner Ring Road, K.K.Nagar, Chennai - 600 078.
2. The Commissioner, Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

+1cc to the Government Pleader, S.R.No. 16723

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TR(19/03/2018)