

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2934 of 2019

Tamil Nadu Associations for the Rights of
all types of Differently Abled and Care Givers-
TARATDAC,

Represented by its State General Secretary,
S.Namburajan, Registered No.292/2010,
No.69,V.G.P Road,
Saidapet, Chennai 600 015

... Petitioner

Vs.

1. The Secretary to Government,
Cooperation Food and Consumer Protection
Department, Fort St.George, Chennai 600 009.

2. The Secretary to the Government,
Differently Abled Welfare Department,
Fort St.George, Chennai 600 009.

3. The State Commissioner,
Welfare of Differently Abled,
Lady Wellington College Campus,
Chennai 600 005

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to consider the representation dated
07.01.2019 sent by the petitioner seeking to implement the
proviso to Section 24 of the Rights of Persons with Disabilities
Act, 2016 within a time frame.

For Petitioner : Mr.Karl Marx K.C

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner-Association has come up with this Writ Petition seeking a direction to the respondent to consider their representation dated 07.01.2019 seeking to implement the proviso to Section 24 of the Rights of Persons with Disabilities Act, 2016, within a time frame.

3. According to the learned counsel for the petitioner, the petitioner is an association formed for the welfare of the disabled persons. However, the Government of Tamilnadu has announced cash support of Rs.1,000/- per family for all family card holders in the entire State of Tamil Nadu except Thiruvavur District through fair price shops for the celebration of Pongal 2019. Section 24 of the Rights of Persons with Disabilities Act, 2016 provided that the quantum of assistance to the person with disabilities under such schemes shall be atleast 25% higher than the similar schemes apply to others. However, the said announcement by the Government does not provide any increased subsidy to the persons with disabilities. Therefore, the petitioner sent a representation dated 07.01.2019 to implement the proviso to Section 24 of the Rights of Persons with Disabilities Act, 2016, but, the same is yet to be disposed of by the second respondent. Hence, the petitioner is before this Court.

4. Heard Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of the respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the second respondent to consider the petitioner's representation dated 07.01.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Srn

To

1. The Secretary to Government,
Cooperation Food and Consumer Protection
Department, Fort St. George, Chennai 600 009.
2. The Secretary to the Government,
Differently Abled Welfare Department,
Fort St. George, Chennai 600 009.
3. The State Commissioner,
Welfare of Differently Abled,
Lady Wellington College Campus,
Chennai 600 005.

+1 cc to M/s.Kral Marx K.C, Advocate Sr.No.8691
+1 cc to The Government Pleader, Sr.No.9137

W.P.No.2934 of 2019

CSL/15.02.2019

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