

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22969 to 22973 of 2011
and WMP.No.1 of 2011 & 20517 OF 2017

W.P.No.22969 of 2011

Chitra

.. Petitioner

Vs.

1.The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.

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

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, forbearing the 2nd respondent, his officials, servants from interfering with the petitioners bunk shop business of selling coffee, tea and other allied eatable items at Dr.Banumathi Ramakrishnan Street, Bharani Studio backside, opposite to MPL Ford car parking, Saligramam, Chennai 600 094 and further direct the 2nd respondent to grant license for running the bunk shop.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Arunmozhi,
Standing Counsel
for Chennai Corporation

W.P.No.22970 of 2011

Shakila

.. Petitioner

Vs.

1.The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.

2. The Commissioner,
Alandur Municipality,
Alandur, Chennai 600 003.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the
Constitution of India, for a Writ of Mandamus, forbearing the 2nd
respondent, his officials, servants from interfering with the
petitioners bunk shop business of selling coffee, tea and other
allied eatable items at No.341, MKN Road, Defence Land Backside,
Alandur, Chennai 600 016 and further direct the 2nd respondent to
grant license for running the bunk shop.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Arunmozhi,
Standing Counsel
for Chennai Corporation

W.P.No.22971 of 2011

K.Murugadass

.. Petitioner

Vs.

1.The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.

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

.. Respondents

PRAYER: Writ petition filed under Article 226 of the
Constitution of India, for a Writ of Mandamus, forbearing the 2nd
respondent, his officials, servants from interfering with the
petitioners bunk shop business of selling coffee, tea and other
allied eatable items at Sydenhams Road, Opposite to Kannappar
Thidal, Corporation Office, Chennai 600 003 and further direct
the 2nd respondent to grant license for running the bunk shop.

For Petitioner : Mr.L.Chandrakumar

For Respondents :Mr.Arunmozhi,
Standing Counsel
for Chennai Corporation

W.P.No.22972 of 2011

K.J.Nelson

.. Petitioner

Vs.

- 1.The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai 600 003.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, forbearing the 2nd respondent, his officials, servants from interfering with the petitioners bunk shop business of selling coffee, tea and other allied eatable items at No.51, Montieth Road, Opposite to Ceebros Centre, Egmore, Chennai 600 008 and further direct the 2nd respondent to grant license for running the bunk shop.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.Arunmozhi,
Standing Counsel
for Chennai Corporation

W.P.No.22973 of 2011

Janaki

.. Petitioner

Vs.

- 1.The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai 600 003. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, forbearing the 2nd respondent, his officials, servants from interfering with the petitioners bunk shop business of selling coffee, tea and other allied eatable items at Club House Road, near Subramaniam Buildings, Chennai 600 002 and further direct the 2nd respondent to grant license for running the bunk shop.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Arunmozhi,
Standing Counsel
for Chennai Corporation

COMMON ORDER

The learned counsel for the writ petitioners states that, the writ petitioners are differently abled persons with 80% disability. They were running a small bunk shops at several areas. In the said bunk shops, they are selling coffee, tea and other eatable items in a hygienic manner. Therefore, they are earning meager sum, out of which, they are taking care of their families. The petitioners bunk shops are no way disturbing the general public for the free flow of traffic.

2. Further the case if the petitioner is that, the Government of Tamil Nadu is supporting the claim of the differently abled persons. According to Section 43, of the Persons with Disabilities (equal opportunities, Protection of Rights and Full Participation) Act, 1995, petitioners are having statutory right to claim the right of business. While being so, 2nd respondent without authority tried to evict the bunk shop of the petitioners, thereby the petitioners made the representations to the 2nd respondent requesting him not to evict the bunk shop. Thereafter, the officials of the 2nd respondent stopped interference. However, the 2nd respondent officials threatened the petitioners to evict the bunk shop within ten days, failing which they will forcibly evict the petitioners from their occupied premises. Against which, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the writ petition was filed in the year 2011, at the time of entertaining this writ petition, this Court granted interim injunction restraining the respondents from evicting the petitioners from their respective bunk shops. However, recently the Hon'ble Division Bench of this Court, issued a direction to the Corporation to constitute a vending

committee, in which, the Corporation framed the Tamil Nadu Vending Committee Rules, and thus the vending committee was formed. Hence, this Court may permit the petitioners to file an appropriate application before the 2nd respondent and thereafter, the 2nd respondent shall forward such applications to the vending committee, enable the petitioners to obtain a license from the vending committee.

4. The learned counsel appearing for the respondent did not dispute the facts submitted by the learned counsel appearing for the petitioners. In view of the above, I am inclined to grant permission to the petitioners to file appropriate application before the 2nd respondent, within a period of 2 weeks from the date of receipt of a copy of this order. Thereafter, the 2nd respondent shall forward the said applications to the vending committee constituted under the Tamil Nadu Vending Committee Rules and pass appropriate orders within a period of 12 weeks from the date of receipt of the application forwarded by the 2nd respondent. The interim injunction granted by this Court will be continued till the disposal of the vending committee.

5. With the above directions, the writ petitions are disposed of. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn.

To

1.The State Commissioner for Differently Abled,
Office of the State Commissioner for Differently Abled,
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.

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

3. The Commissioner,
Alandur Municipality,
Alandur, Chennai 600 016.

+lcc to Mr.R.Arunmozhi , Advocate SR.No. 73787

+lcc to Mr.R.Chandra kumar , Advocate SR.No. 73262

+lcc to Mr.S.Saravanan , Advocate SR.No. 73235

+1 cc to Spl Government Pleader Sr.No. 74334

W.P.Nos.22969 to 22973 of 2011
and WMP.No.1 of 2011 & 20517 OF 2017

A.SK(03/12/2019)