

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.28208 of 2019
and
W.M.P.No.27878 of 2019

M.Punitha Raja

.. Petitioner

/versus/

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

2.The Chairman cum Zonal Officer,
(Street Vending Committee),
Zone XIV, Corporation of Chennai,
Perungudi,
Chennai 600 096.

3.The Executive Engineer,
Zone XIV, Corporation of Chennai,
Perungudi,
Chennai 600 096.

4.The Junior Engineer,
Ward 186, Zone XIV, Corporation of Chennai,
Perungudi,
Chennai 600 096.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to provide preferential allotment under Section 43 of the Persons with Disabilities (Equal Opportunities Protection of Right And Full Participation) Act, 1995 following the provision under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 to the petitioner to carry the petty shop on the road side of Perungudi Industrial Estate near Anejas Tower, Industrial Estate Road, Perungudi, Chennai, Tamil Nadu 600 096 for the petitioner's rehabilitation, based on the letter in Na.Ka.No.3260/D.A.W-3(1)/2018 dated 28.05.2018 to the 1st respondent.

For Petitioner :Mr.C.Sivakumar

For Respondents :Mrs.Karthika Ashok,
Standing Counsel for corporation

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.C.Sivakumar, learned counsel appearing for the petitioner and Mrs.Karthika Ashok, learned standing counsel (corp'n), who takes notice for the respondents. Perused the affidavit.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the 1st respondent to provide preferential allotment under Section 43 of the Persons with Disabilities (Equal Opportunities Protection of Right And Full Participation) Act, 1995 following the provision under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 to the petitioner to carry the petty shop on the road side of Perungudi Industrial Estate near Anejas Tower, Industrial Estate Road, Perungudi, Chennai, Tamil Nadu 600 096 for the petitioner's rehabilitation, based on the letter in Na.Ka.No.3260/D.A.W-3(1)/2018 dated 28.05.2018 to the 1st respondent.

4. The petitioner claiming himself as a disabled person seeks preferential allotment in allocation of shop by the Town Vending Committee.

5.The affidavit does not disclose whether the petitioner has ever made any application seeking allotment to the Town Vending Committee for establishing the petty shop on the road side.

6.The learned standing counsel (corp'n.) appearing for the respondents submits that if any application is filed by the petitioner, it will be considered in accordance with the merits and seniority. While doing so, the disability status of the petitioner will also be taken into consideration.

7. In view of the above fact, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner,
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Perungudi,
Chennai 600 096.

+1cc to Mr.C.Sivakumar, Advocate SR.No.81984

+1cc to Mrs.Karthika Ashok, Advocate SR.No.82137

W.P.No.28208 of 2019

NRJK (CO)
GMY (04/11/2019)