

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9330 of 2018
and
W.M.P.No.11124 of 2018

A.Punniyakodi
S/o.M.A.Arunachalam (late)
26/7, Sreenivasapuram, Pattinapakkam
Chennai-600 028. ...Petitioner

Vs.

- 1.The Managing Director
Metropolitan Transport Corporation (Chennai) Limited
Pallavan House, Anna Salai, Chennai.
- 2.The Branch Manager
Metropolitan Transport Corporation - Mandaveli Depot
Mandaveli, Chennai. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to allot the snack bar in the foreshore estate bus stand to the petitioner as requested in the petitioner's representation dated 23.04.2016 and 28.03.2018.

For Petitioner : Mr.A.Yogeshwaran

For Respondents: Mr.M.Chidambaram

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O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed seeking for mandamus directing the respondents to allot the snack bar in the foreshore estate bus stand to the petitioner as requested through his representations dated 23.04.2016 and 28.03.2018.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents-Corporation.

4. It is stated that the petitioner is a physically challenged person with 75% disability. His father was

allotted a snack bar in the Foreshore Estate Bus stand through allotment order dated 19.09.1985 and he was running the stall. The petitioner was working along with his father at the snack bar. The petitioner's father died on 27.03.2016 and consequently, the petitioner continued to run the snack bar in the said place. The petitioner made a representation on 23.04.2016 requesting the respondents to allow the petitioner to continue to run the snack bar, which was originally allotted to the petitioner's father. Since the said representation was not considered, the petitioner approached this Court and filed the writ petition in W.P.No.19444 of 2016 and sought for mandamus directing the respondents to consider the said representation dated 23.04.2016 and pass orders on the same. The said writ petition was disposed of on 09.06.2016 by directing the first respondent herein to consider the said representation and pass orders on the same on merits and in accordance with law, within a period of six weeks. In the very same order, this Court has protected the interest of the petitioner by granting interim order of status quo by extending the same till the disposal of the representation.

5. The fact remains that the said representation has not been considered and no order has been passed so far. It is stated that the electricity service connection to the petitioner's snack bar has also been disconnected. Under such circumstances, the petitioner has made another representation dated 28.03.2018 seeking for restoration of the electricity service connection and also considering the request of the petitioner to continue to run the snack shop. The said representation dated 28.03.2018 has also not been disposed of. Under such circumstances, the present writ petition is filed before this Court.

6. Upon considering the above stated facts and circumstances and considering the admitted fact that both the representations have not been considered by the respondents so far, despite the order having been passed by this Court on 09.06.2016 in W.P.No.19444 of 2016, this Court is of the view that this Writ Petition can be disposed of by passing the following order:

(a) The respondents shall consider the representations of the petitioner one already made on 23.04.2016 and another made on 28.03.2018 and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

(b) The respondents are also directed to restore the electricity supply to the petitioner bunk shop forthwith.

(c) If the representations of the

petitioner are not considered favourably, the petitioner is at liberty to challenge the said order before appropriate forum in the manner known to law, within a period of four weeks from the date of receipt of a copy of the said order.

(d) Till such time, the respondents shall not disturb the possession of the petitioner.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director
Metropolitan Transport Corporation (Chennai) Limited
Pallavan House, Anna Salai, Chennai.
- 2.The Branch Manager
Metropolitan Transport Corporation - Mandaveli Depot
Mandaveli, Chennai.

+1cc to Mr.M.Chidambaram, Advocate SR.33392

W.P.No.9330 of 2018

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