



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22325 of 2021

WEB COPY

C.Sivakumar

... Petitioner

vs.

1.The District Collector,
Office of the District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Commissioner of Police,
Madurai City, Madurai.

4.The Madurai District Co-operative Milk,
Producers Union Limited,
Sivagangai Main Road,
Sathamangalam,
Madurai-625 020.

... Respondents

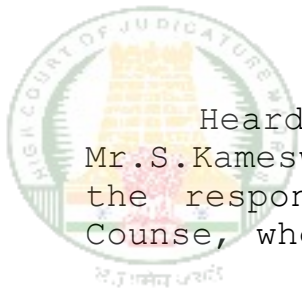
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to direct the second respondent to allot a shop of Aavin Booth to the infront of Meenakshi Mission Hospital or Nearby Mattuthavani (MGR) Bus Stand or nearby Apple Shopping Mall, Alagar Kovil Main Road, K.Pudur or nearby Immanuvel Statute, Theppakulam-Keelavasal-Anupanadi Cutroad under the quota of physically challenged person under the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), in view of No Objection Certificate given to the petitioner by the third respondent, by considering his representation, dated 20.10.2021, within a period stipulated by this Court.

For Petitioner : Mr.Haja Mohideen

For Respondents : Mr.S.Kameswaran
Government Advocate (for R1,3 and 4)

Mr.S.Vinayak
Standing Counsel (for R2)

ORDER



Heard Mr.Haja Mohideen, learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate, who takes notice for the respondents 1, 3 and 4 and Mr.S.Vinayak, learned Standing Counsel, who takes notice for the second respondent.

2.The petitioner claims some benevolence may be granted to him, since he is a physically challenged persons and takes recourse to the conditions under the provisions of Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996).

3.The petitioner had given a representation to the second respondent to grant permission to run an Aavin Milk Booth/shop. He had given a wide range of places where he feels, he could provide service to the general public who are desirous of purchasing and quenching their thirst by drinking milk and related products.

4.The learned Standing Counsel for the second respondent, however, states that in two of the places mentioned, since Public Interest Litigations are pending it would not be possible for the second respondent to even consider the representation. But let the second respondent bestow some attention to any other place mentioned in the representation and examine whether the petitioner can be permitted to put up the shop, and if so whether it would affect the flow of traffic or would be of hindrance to the pedestrians and the general public and also take into consideration or any other factor, which are normally taken into consideration, prior to granting of such permission.

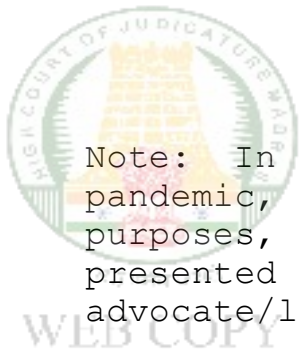
5.Let the second respondent also examine whether the fourth respondent had given license to the petitioner to market their products. If the conditions are satisfied, the second respondent may take an independent decision with respect to the representations given by the petitioner. The second respondent may also invite the petitioner for personal hearing and thereafter, take a decision in accordance with the rules prescribed for taking such a decision within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Office of the District Collector,
Madurai District, Madurai.
- 2.The Commissioner,
Madurai Corporation, Madurai.
- 3.The Commissioner of Police,
Madurai City, Madurai.
- 4.The Madurai District Co-operative Milk,
Producers Union Limited,
Sivagangai Main Road,
Sathamangalam,
Madurai-625 020.

+1 CC to M/s.S.VINAYAK, Advocate (SR-39139[F] dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-39271[F] dated 17/12/2021)

W.P. (MD) No.22325 of 2021
16.12.2021

RK(31/12/2021) 3P 7C