



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1000 of 2022
and
W.M.P.No.1068 of 2022

Mx.A.Asina
Transgender

...Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its:
State Commissionerate for Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

2. The Secretary to Government,
Local Administration Department,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.

3.The State of Tamil Nadu,
represented by its: The Commissioner,
Corporation of Chennai,
Rippon Building, EVR Periyar Salai,
Chennai - 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third Respondent to consider and disposes of the representation dated 21.12.2021 and 06.01.2022 to not to interfere with the running of the bunk shop and permit the petitioner to run the Handicapped Bunk Shop.

For Petitioner : Mr.S.M.Raghuram

For R1 and R2 : Mr.K.Suresh
Government Advocate

For R3 : Mrs.P.T.Rama Devi
Standing Counsel



ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent to consider the representation submitted by the writ petitioner on 21.12.2021 and 06.01.2022 and not to interfere with the running of the Bunk Shop and permit the petitioner to run the Bunk Shop.

2. The petitioner states that she is a differently abled person and the disability was assessed at 80%. The petitioner opened a Bunk Shop at Melpatti Ponnappan Street, Perambur, Chennai, on her own, for livelihood. The Bunk Shop is functioning for about three months. The respondents are attempting to interfere with the petitioner from running the bunk shop. Thus, the petitioner made a representation to the 3rd respondent and thereafter, the present writ petition is filed.

3. The petitioner has stated in the affidavit that she is running a Bunk Shop for about 3 months. Merely running a Bunk Shop for 3 months would not confer any right on the petitioner to continue the same. Any encroachments or installation of Bunk Shops in public or common places have to be regulated. A committee has been constituted for providing alternate accommodation to the deserving people by following the procedure.

4. Contrarily, no person shall be allowed to install Bunk Shop in public places at their whims and fancies, which would cause traffic congestion and inconvenience to the people in general and the road users. Thus, the petitioner cannot claim continuance of Bunk Shop as a matter of right. It is an encroachment. Thus, the authorities competent are empowered to remove the encroachments. However, the petitioner is at liberty to submit an appropriate application and may seek for appropriate remedy in the manner known to law.

5. Accordingly, the writ petitioner is not entitled for any relief as such sought for in the present writ petition. Accordingly, the Writ Petition stands disposed of. Consequently, the connected Writ Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

Jeni/RR



To

1. The State Commissionerate for Welfare
of the Differently Abled,
The State of Tamil Nadu,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.
2. The Secretary to Government,
Local Administration Department,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.
3. The Commissioner,
The State of Tamil Nadu,
Corporation of Chennai,
Rippon Building, EVR Periyar Salai,
Chennai - 600 003.

+1cc to Mrs.P.T.Rama Devi, Advocate, S.R.No.5086
+1cc to the Government Pleader, S.R.No.5614

W.P.No.1000 of 2022

GPL[co]
NSK 08/02/2022