



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.9120 of 2022

Mehugrunnisha

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai - 600 003.
2. The Zonal Engineer,
Zone - 9, Corporation of Chennai,
(Chair person, Street Vending Committee)
Lake Area, Nungambakkam,
Chennai - 600 034.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to give permission/license to ruan a Bunk/petty shop at DMS campus, Teynampet, Chennai, to the petitioner by considering the petitioner representation dated 07.01.2022.

For Petitioner : Mr.P.Murali

For Respondents : Mr.Rahul Aditya
for Ms.P.T.Ramadevi.

O R D E R

Mr.Rahul Aditya, learned counsel on behalf of Ms.P.T.Ramadevi, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally even at this juncture. Hence, by consent of both sides, this Writ Petition is taken up for final disposal even at the stage of admission.

2. The petitioner in this writ petition seek mandamus simplicitor directing the respondents to give permission/license



to run a Bunk/Petty shop at DMS Campus, Teynampet, Chennai to the petitioner.

3. The petitioner suffers from locomotor disability of 65% and has placed on record a Disability Certificate issued by the Civil Assistant Surgeon, Government Institute of Rehabilitation Medicine, K.K.Nagar, Chennai establishing the same. She claims to be running a petty shop in the platform of DMS campus, Teynampet, Chennai that does, according to her, not cause any inconvenience or hurdle to the general public, despite which, the respondents have been interfering with her business.

4. She has sent a representation on 07.01.2022 to the respondents seeking non-interference in her business citing the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ('Act'). Section 43 of the Act refers specifically to schemes to be floated by the State for preferential allotment of land for certain purposes, including setting up of businesses for differently abled.

5. Section 43 of the Act reads as under:-

"Schemes for preferential allotment of land for certain purposes.- The appropriate Governments and local authorities shall by notification frame schemes in favour of person with disabilities, for the preferential allotment of land at concessional rates of-

- (a) house;
- (b) setting up business;
- (c) setting up of special recreation centres;
- (d) establishment of special schools;
- (e) establishment of research centres;
- (f) establishment of factories by entrepreneurs with disabilities."

6. She also cites to her advantage, the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, that guarantees to the street vendors, the right of carrying on of their businesses, though with regulations.

7. Drawing from the beneficial mandate of both the aforesaid enactments, the petitioner has filed a representation before the respondents, seeking approval for running of her business sans any interference from the respondents. The representation dated 07.01.222 has admittedly been received by the respondents, but no action has been taken till now.



8. Since a copy of the same has been placed in the compilation of documents accompanying the writ affidavit, let the learned respondent counsel ensure that the same is forwarded to the respective Township Vending Committee, that shall take appropriate action upon the same after hearing the petitioner by way of a speaking order. The entire exercise shall be completed within a period of twelve (12) weeks from today. Till such time or the disposal of the representation, whichever is earlier, the petitioner shall not be disturbed.

9. This writ petition is disposed in the above terms. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
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2. The Zonal Engineer,
Zone - 9, Corporation of Chennai,
(Chair person, Street Vending Committee)
Lake Area, Nungambakkam,
Chennai - 600 034.

+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.26317

+1cc to Mr.P.Murali, Advocate, S.R.No.26301

W.P.No.9120 of 2022

SKM(CO)
CT 17/05/2022