



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3134 of 2022

S.Balaji

... Petitioner

/Vs./

1.The Secretary,
Commissionerate of Municipal Administration,
Chennai.

2.The Assistant Secretary,
Department Municipal Administration and Drinking Water,
Secretariat, Chennai-600 009.

3.The Commissioner,
Land Administration, Chennai.

4.The Commissioner,
Madurai Corporation, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 4th respondent to allot a shop to the petitioner in New Periyar bus Stand, Madurai as per Section 37(c) in Persons with Disability Act 2016 as per the petitioner's representations to the respondents on 07.08.2021, 15.09.2021.

For Petitioner	: Mr.R.Ramasamy
For R1 to R3	: Mr.M.Lingadurai, Special Government Pleader.
For R4	: Mrs.S.Devasena, Standing Counsel

ORDER

This writ petition has been filed by a physically challenged person, seeking for allotment of a shop in the New Periyar Bus Stand, Madurai. According to the petitioner, under Section 37(c) of the Rights of Persons with Disabilities Act, 2016, (in short 'the said Act'), he is entitled for preferential allotment of the shop. He has given representations on 07.08.2021 and 15.09.2021 to the respondents. Since his representations have not been considered, this writ petition has been filed.

2.Heard Mr.R.Ramasamy, learned Counsel for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 3 and Mrs.S.Devasena, learned Standing Counsel for the fourth respondent.



3.No prejudice would be caused to the respondents, if the representation seeking for allotment of a shop in the New Periyar Bus Stand, Madurai, as per Section 37(c) of the said Act is considered on merits and in accordance with law.

4.Though the learned standing counsel for the fourth respondent submits that pursuant to the order passed by the Division Bench of this Court on 13.03.2019 in a batch of writ petitions in WP(MD) No.24268 of 2018 batch, in the case of **P.Loganathan vs. The District Collector, Madurai District**, the petitioner's request for preferential allotment is not possible, this Court is of the considered view that no prejudice will be caused to the respondents, if the petitioner's representations seeking for preferential allotment is considered, on merits and in accordance with law. Being a physically challenged person, representations given by him ought to have been considered, which admittedly have not been considered till date.

5.Accordingly, this Court directs the fourth respondent to consider the petitioner's representations dated 07.08.2021 and 15.09.2021 seeking for preferential allotment of the shop in the New Periyar Bus Stand, Madurai, in accordance with Section 37(c) of the said Act and pass orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Secretary,
Commissionerate of Municipal Administration,
Chennai.



2.The Assistant Secretary,
Department Municipal Administration and Drinking Water,
Secretariat, Chennai-600 009.

3.The Commissioner,
Land Administration, Chennai.

4.The Commissioner,
Madurai Corporation, Madurai.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-7068[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7420[F] dated 21/02/2022)

order made in
W.P.[MD]No.3134 of 2022
Dated:17.02.2022

RS(26.02.2022) 3P 7C