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W.P.No.24133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24133 of 2023

and

W.M.P.Nos.23608 & 23609 of 2023

1.M.Manjula
2.V.Mohan

...Petitioners

Vs.

- 1.The State of Tamilnadu, rep by its
The Principle Secretary
Social Welfare Department
Fort St.George, Chennai 600 009.
- 2.The Commissioner
Greater Chennai Corporation
Ripon Building Rajah Muthaiah Road
Chennai 600 003.
- 3.The District Collector
Rajaji Salai, Fourth Floor
62, Beach Rd, George Town
Chennai 600 001.
- 4.The Greater Chennai Corporation
rep by its Regional Deputy Commissioner
Zone XIII, Adyar, Chennai 600 020.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order in Zone XIII/Enc/Dn-171/2023 issued by the respondent No.4 dated 02.08.2023 and quash the same and consequently direct the respondents 2 & 4 to allot the alternative bunk shop within the same locality under disable person quota.

For Petitioners : Mr.Aurn Kasi

For Respondents : Mr.R.U.Dinesh Rajkumar for R1 & R3
Additional Government Pleader

Mr.A.S.Ragul Adhithya
for Mrs.P.T.Ramadevi for R2 & R4
Standing Counsel (GCC)

ORDER

The petitioners herein has come up with this Writ Petition challenging the notice issued by the fourth respondent dated 02.08.2023 directing the petitioners to remove the cycle shop opposite to J.J.Kalyana Mandapam, Kamarajar Salai, Raja Annamalai Puram, Chennai 28.



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2. It is the case of the petitioners that the first petitioner is suffering from disability of 90% and she is running a cycle shop opposite to J.J.Kalyana Mandapam, Kamarajar Salai, Raja Annamalai Puram, Chennai 28. It is further case of the petitioners that the second petitioner is able to maintain his daughter/first petitioner only on the meager income derived from the above said cycle shop. Earlier the petitioners filed a Writ Petition in W.P.No.5438 of 2017 challenging the similar notice issued by the respondents. The said Writ Petition was disposed of with directions to the respondents to consider the first petitioner's representations dated 23.03.2016 and 07.11.2016 in accordance with law. This Court also granted interim protection to the petitioners to maintain status-quo till the consideration of the representations. Thereafter, the fourth respondent passed an order and sent a communication informing the petitioners that the petitioners' representation will be considered by the Town Vending Committee and appropriate orders will be passed and till then the status-quo will be maintained.

3. Mrs.P.T.Ramadevi, learned Standing Counsel appearing for the respondents 2 & 4/Corporation, on instructions, submitted that the petitioners



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have been offered with the alternative place for running a cycle shop but the petitioners refused to shift to the alternative place offered by the respondents Corporation. It is also submitted by the learned Standing Counsel for the respondents 2 & 4/Corporation that cycle shop of the petitioners is located just opposite to the school and causing hindrance to the free movement of the traffic.

4. In view of the fact that earlier this Court directed the respondents Corporation to consider the representation of the petitioners seeking permission to run the cycle shop in the above mentioned location, this Court is inclined to direct the petitioners to give a fresh representation to the second respondent seeking permission to run the above mentioned shop within two weeks from the date of receipt of copy of this order. The second respondent is directed to forward the same to the Town Vending Committee and the said authorities shall consider the representation of the petitioners and pass final orders on merits and in accordance with law, within a period of four weeks thereafter. Till the final order is passed by the Town Vending Committee, the petitioners shall not be disturbed.



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5. With the above observations, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

17.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

Note: Issue order copy on 18.08.2023.

To

- 1.The State of Tamilnadu, rep by its
The Principle Secretary
Social Welfare Department
Fort St.George, Chennai 600 009.
- 2.The Commissioner
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