



W.P.(MD)No.2986 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.2986 of 2021

R.Ramasamy

.. Petitioner

Versus

1.The District Collector,
Madurai District, Collector Office Campus,
Madurai.

2.The District Differently Abled Welfare Officer,
District Differently Abled Welfare Office,
Old Ramanathapuram,
Collectorate, Madurai-20.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to provide an electric wheel chair to the petitioner as per the application submitted two years back and subsequent interview held on 2.12.2020 in the forthcoming distribution schedule.

For Petitioner : Mr.R.Ramasamy
Party-in-Person



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For Respondents : Mr.A.K.Manikkam
Special Government Pleader

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to provide electric wheel chair to the petitioner as per the application submitted by him on 02.12.2020.

2. Heard the petitioner in person and the learned Special Government Pleader appearing on behalf of the respondents.

3. The case of the petitioner is that he is physically disabled and his disability is assessed at 90%. The petitioner is not in a position to use both his lower limbs and he is confined to a wheel chair. The petitioner is a practicing Advocate before this Court. The petitioner made an application before the second respondent on 02.12.2020 to provide for an electric wheel chair to him. Pursuant to the application made by the petitioner, he was called for an interview and the second respondent rejected the claim made by the petitioner on the ground that the petitioner



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has not fulfilled the criteria. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The battery operated wheel chairs are distributed to persons, who are affected with Muscular Dystrophy and/or Paraplegic and also persons, who are Tetraplegic. The persons who are affected with all these conditions loose their limbs and are confined to a wheel chair. The second respondent has considered the claim made by the petitioner with some technicality and according to the second respondent, even though the petitioner is a Paraplegic, he does not suffer with the condition due to any spinal cord injury. The reason for suffering the Paraplegic condition may be different. In the instant case, the petitioner was given a wrong treatment and as a result, he became Paraplegic. The petitioner regularly appears before the Court only in a wheel chair and his condition is that he will not be able to use both his lower limbs. Therefore, the case of the petitioner has to be considered sympathetically and he has to be provided with battery operated wheel chair.



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5. This Court is not able to accept the reason given by the second respondent for not providing the battery operated wheel chair.

6. In the light of the above discussion, there shall be a direction to the second respondent to provide battery operated wheel chair to the petitioner as per the application submitted by him, within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed with the above direction. No costs.

NCC : Yes/No
Index : Yes/No
smn2

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N.ANAND VENKATESH, J.

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