



W.P(MD)No.33033 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.33033 of 2025

B.Senthilkumar

... Petitioner

Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Project Director (PIU),
National Highways Authority of India,
Ministry of Road Transport & Highways,
No.39, III Cross Street,
Kalyana Sundaram Nagar,
Karumandapam,
Tiruchirappalli – 620 001.
- 3.The Zonal Officer,
National Highways Authority of India (NHAI),
3rd Floor, Vijayakrishna Plaza,
No.1, Lake Area,
Mattuthavani – 625 107.
Madurai.



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4. The Commissioner,
Trichy Corporation,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in NHAI/PD/TRY/NH-38/2025/2002 dated 27.09.2025 and quash the same as illegal and consequently direct the respondents to return the petitioner's vehicle 3 wheeler trolley cart, auto and belongings auto engine, chit money and soup utensils and permit him to continue his lawful street vending business at the same location.

For Petitioner : Ms.R.Yamuna

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1

Mr.P.Karthick
for R.2 & R.3

Mr.J.Sriprasad
for R.B.Law Associates for R.4

ORDER

Heard both sides.



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2.The petitioner was running a soup shop at the petition mentioned site. Admittedly, the petitioner does not have any legal right to run his mobile shop at the said site, which belongs to NHAI. On receipt of the complaints from the third parties and pursuant to the personal inspection conducted by the District Collector, Trichy, the petitioner's shop was removed. The petitioner submitted a request for reconsideration. The petitioner's request was rejected vide order dated 27.09.2025. Challenging the same, this writ petition has been filed.

3.Since the writ petitioner has no legal right as such to insist that he would run the shop in the said site, I am not in a position to interfere with the impugned order. It is further seen that the petitioner has suffered a major accident.

4.The learned counsel for the petitioner states that it had severe debilitating effect on the petitioner. The petitioner appears to belong to the lowest economic strata.



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5. Section 38 of the Rights of Persons with Disabilities Act, 2016

reads as follows:

“38. Special provisions for persons with disabilities with high support.—(1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.”



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6.The petitioner is permitted to make a representation by invoking the aforesaid provision. The first respondent shall consider the same empathetically and suggest an appropriate way out for the writ petitioner.

7.With the aforesaid direction, this Writ Petition is disposed of accordingly. No costs.

19.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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4.The Commissioner,
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