

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No. 30715 of 2015

and

M.P.Nos.1 & 2 of 2015

B.Ramesh Kumar

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its, Secretary, Tamil Development Culture,
Advertisement & Tourism Department,
Fort St.George, Chennai -9.

2. The District Collector,
Cuddalore District, Cuddalore.

3. The Revenue Divisional Officer,
Cuddalore District, Cuddalore.

4. The Commissioner,
Cuddalore Municipality, Cuddalore.

5. The President
Cuddalore Municipality, Cuddalore.

6. The Royal Entertainment,
Rep by its Manager,
No.27, Canteen Street,
Puducherry - 605 001.

...Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for records relating to 5th respondent, Resolution No. 34, dated 23.09.2015, to quash the same and to consequently direct the respondent Nos. 1 to 5 to consider the claim of the petitioner for conducting the event of Tradefare (Porutkatchi) between 11.12.2015 and 01.02.2016 (51 days) as per the recommendation of the 3rd respondent.

For Petitioner

: Mr.L.Chandrakumar,

For Respondent Nos. 1 to 3

: Mr.V.Subbiah,
Special Government Pleader.

For Respondent Nos. 4 & 5 : Mr.P.Chinnadurai,
Government Advocate.

For Respondent No. 6 : M/s. M.Udhaya Bhanu

ORDER

The petitioner was given permission for the year 2014 to conduct the Tradefare (Porutkatchi) program between 24.04.2014 and 27.05.2014. It was given on the application made by the petitioner and it is seen that the permission given was meant for specified number of days. In other words, no specific procedure was followed. It appears that the petitioner was given permission earlier also, following the same procedure.

2. According to the petitioner, he suffered several losses due to natural calamities and recommendation has been made by the Revenue Officials to compensate the petitioner by giving permission for the subsequent period as well. The learned counsel appearing for the petitioner submitted that merely because the respondent No. 6 gave an application on 11.06.2015 as against the petitioner's representation dated 10.07.2015, there is no justification for granting permission to the sixth respondent alone. Even, at the time of resolution having been passed in favour of the sixth respondent, the petitioner's application was very much available. Therefore, a direction will have to be issued to consider the case of the petitioner as against sixth respondent for grant of permission.

3. The counsel appearing for the respondents including the private respondent submitted that as the facts are not in dispute, no ground is made for allowing the writ petition. The communication of the Revenue Officials is only recommendatory. It does not give any vested right to the petitioner. The decision was communicated to the sixth respondent, who has taken appropriate steps towards the running of the tradefare. Therefore, no interference is required.

4. The procedure adopted in giving permission to the petitioner earlier has been adopted subsequently, while doing so in favour of the sixth respondent. In both the cases, the person to whom the permission is granted is expected to comply with the conditions of making requisite payment in favour of the Honourable Chief Minister Relief Fund. The government letter dated 10.12.2002 specifically stated that permission shall not be given for two persons at the same time. In other words, it is more in the nature permission than anything else. The said letter also indicated that the authorities shall not allow anybody to conduct their tradefare without prior permission.

Therefore, the sixth respondent was given permission accordingly. As there is no procedure violated, which is otherwise in force, the petitioner cannot be said to be aggrieved. Even assuming that there was a loss to the petitioner earlier, the same cannot be a ground for a preferential treatment to the petitioner, more so, when the sixth respondent gave an application earlier than the petitioner. Therefore, no ground is made out to allow the present writ petition.

Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petitions are also closed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rms/gv

To

1. The Secretary, Tamil Development Culture,
Advertisement & Tourism Department,
Fort St.George, Chennai -9.

2. The District Collector,
Cuddalore District, Cuddalore.

3. The Revenue Divisional Officer,
Cuddalore District, Cuddalore.

4. The Commissioner,
Cuddalore Municipality, Cuddalore.

5. The President
Cuddalore Municipality, Cuddalore.

+1 CC to Mr.L.Chandrakumar, Advocate, sr.60627
+1 cc to Prof.M.Udayabanu, Advocate, sr.60256
+1 cc to Mr.P.Chinnadurai, Advocate, sr.60387
+1 cc to Government Pleader, sr.60734

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