



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE Dr. JUSTICE S.TAMILVANAN

and

THE HONOURABLE Mr. JUSTICE V.S.RAVI

W.A. (MD) No.209 of 2015

and

M.P. (MD) No.1 of 2015

A.Nagaraj

... Appellant

Vs.

1.The Secretary,
Government of Tamil Nadu,
Department of Municipal and Local Administration,
St.George Fort,
Secretariat, Chennai - 9.

2.The Superintendent of Police,
O/o the Superintendent of Police,
Ramanathapuram District.

3.The Municipal Commissioner,
The Rameswaram Municipality,
Rameswaram,
Ramanathapuram District.

... Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order in W.P.(MD)No.1869 of 2015 dated 13.02.2015 passed by the Hon'ble Court.

Prayer in WP(MD). 1869/ 2015 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to impugned order dated 7.10.2014 on the file of respondent no.2 and quash the same as illegal and consequently direct the respondents 1 to 3 to immediately to reopen the closed streets and resume vehicular traffic in the streets around Ramanathaswamy Temple, Rameswaram within the time frame stipulated by this Honble Court.

For Appellant : Mr.T.Lajapathi Roy

For Respondents : Mr.V.R.Shanmuganathan, Spl.G.P.for R1 & 2
Mr.M.Kannan for R3

JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN,J.)

Challenging the order dated 13.02.2015 passed in W.P.(MD)No.1869 of 2015 by the Learned Single Judge the Writ Appeal has been preferred under Clause 15 of Letters Patent.



2. Heard the learned counsel appearing for the appellant, learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

3. The relief sought for in the said Writ petition is an order in the nature of Certiorari Mandamus, calling for the records pertaining to the order dated 07.10.2014 on the file of the Superintendent of Police, Ramanathapuram, the 2nd respondent herein and quash the same as illegal and consequently, direct the respondents therein immediately reopen the closed streets and resume vehicular traffic in the streets around Ramanathaswamy Temple, Rameswaram, within the time frame.

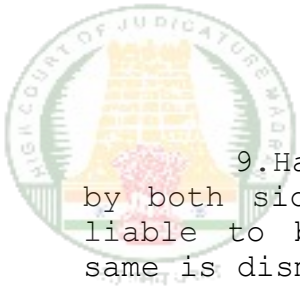
4. In the accompanying affidavit filed in the support of the Writ petition, the petitioner has stated that he is challenging the order dated 07.10.2014 passed by the 4th respondent, however, only three respondents are available herein. Learned counsel appearing for the petitioner submits it is only an error. The same is accepted.

5. However, we have considered the legality of the relief sought for. It is seen that the impugned proceeding dated 07.10.2014, which is available at page No.7 of the typed set of papers, is only a proceeding of the Superintendent of Police, Ramanathapuram and it shows that the Superintendent of Police convened a meeting with various persons including Advocates, owners of lodges, Hotels, apart from Deputy Superintendent of Police, Ramanathapuram and also the concerned Inspector of Police.

6. The proceeding has been recorded whereby it is stated by the 2nd respondent that considering the convenience of the pilgrims, who are coming from various places, they wanted to take safety measures. Accordingly, only mini buses, battery cars and 108 ambulances would be parked on the four sides of Ratha Veethi car street of Ramanatha Swami Temple, Rameswaran. It is only for considering the safety and security and also the welfare of pilgrims and other people, who are using the said streets, nearby the Temple.

7. Learned Special Government Pleader appearing for the respondents 1 and 2 drew the attention of this Court to the order passed by the Learned Single Judge dated 13.02.2015. Learned Single Judge has categorically discussed that there is no infringement of fundamental right or any other inconvenience to the petitioner to maintain the writ petition.

8. It is submitted that the petitioner is the hotel owner. Merely because the appellant / petitioner has a hotel, he cannot raise a plea against the law and order being maintained by the Superintendent of Police, Ramanathapuram and other Authorities. If need be, he can approach the 2nd respondent and make his suggestions, if any, for the benefit of the public in maintaining law and order in the area relating to this Writ Appeal.



9. Having gone through the impugned order and the submission made by both sides, we are of the considered view that the Writ Appeal is liable to be dismissed as not legally sustainable. Accordingly, the same is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Department of Municipal and Local Administration,
St. George Fort,
Secretariat,
Chennai - 9.

2. The Superintendent of Police,
O/o the Superintendent of Police,
Ramanathapuram District.

3. The Municipal Commissioner,
The Rameswaram Municipality,
Rameswaram,
Ramanathapuram District.

+1cc to Mr. T. Lajapathi Roy, Advocate, SR.No.15172

+1cc to Mr. M. Kannan, Advocate, SR.No.14981

+1cc to Special Govt. Pleader SR.No.15494

W.A. (MD) No. 209 of 2015
26.03.2015

nbj

PA/11.05.2015/3P/7C