

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.29983 of 2016
and WMP.Nos.25951 to 25953 of 2016

N.Soundra Pandian

.. Petitioner

vs.

1.The Government of Tamil Nadu
Rep by its Principal Secretary,
Tamil Development & Information
(Exhibition) Department,
Fort St.George, Chennai-9.

2.The Director,
Tamil Development & Information
(Exhibition) Department,
Fort St.George, Chennai-9.

3.The District Collector,
Collectorate,
Nagapattinam District.

4.Thiru S.Palanisami, I.A.S.
The District Collector,
Collectorate,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the 3rd respondent pertaining to the impugned order passed in Na.Ka.166/Se.Ma.Tho.A/2016 dated 23.08.2016 passed by the 3rd respondent and quash the same and consequently direct the respondents to take immediate and necessary steps to grant permission to the petitioner to conduct consumer exhibition with Amusement facility from 24.08.2016 to 11.09.2016 at S.No.100/2, Velankanni Village, Keezhvelur Taluk, Nagapattinam District.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr.C.Manishankar,
Additional Advocate General
assisted by
Mr.R.Govindasamy,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner wants to conduct trade fair and consumer exhibition between 18.08.2016 to 11.09.2016 for a period of 25 days in the lands in S.No.100/2, Velankanni Village, Kezhvelur Taluk, Nagapattinam District and submitted an application to the local body and the said application was rejected by the third respondent on the ground that the identified land lies very close to Bay of Bengal- a sea shore and people used to assemble in large numbers and in the event of permission being granted, any mishap may happen, which may result in loss of lives and therefore, suggested the petitioner to identify any other alternative land and in that event, the request made by the petitioner would be considered and challenging the legality of the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioner would submit that since the request made by the petitioner in the form of application was not considered, he was constrained to file W.P.No.29598 of 2016 and immediately, on receipt of the notice in the said writ petition, the present impugned order came to be passed and would further add that in respect of some objectionable land also, the third respondent had accorded permission to conduct amusement events and therefore, the application submitted by the petitioner, should be favourably considered and prays for appropriate orders.

4. Per contra, Mr.C.Manishankar, learned Additional Advocate General assisted by Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 to 3 would contend that the first respondent, taking into consideration the ground realities and acting in accordance with the norms and regulations, had rightly rejected the request of the petitioner and also indicated that it is open to the petitioner to suggest alternative place and in that event, the application submitted by the petitioner would be considered and prays for dismissal of the writ petition.

5. In response to the same, the learned counsel appearing for the petitioner has drawn the attention of this Court to

G.O.Ms.No.103, Tamil Development and Information (Exhibition) Department dated 01.07.2016 and would submit that in the light of the said Government Order, the third respondent can only make a recommendation to the Government and he is not competent to pass the order of rejection, as he has done so and prays for appropriate orders.

6. This court has considered the rival submission and also perused the materials placed before it.

7. As per G.O.Ms.No.103, Tamil Development and Information (Exhibition) Department dated 01.07.2016, the Collector should make a recommendation to the Government and it is for the Administrative Department of the Government to pass orders whether to accord permission or not. However, in the case on hand, the third respondent himself has passed the impugned order of rejection.

8. In the result, this Writ Petition is disposed of and the third respondent is directed to forward his recommendations to the first respondent on or before 02.09.2016 and the first respondent, on the basis of the recommendations of the third respondent, shall pass orders on or before 08.09.2016 and communicate the decision taken, to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Principal Secretary,
The Government of Tamil Nadu
Tamil Development & Information (Exhibition) Department,
Fort St.George, Chennai-9.

2.The Director,
Tamil Development & Information (Exhibition) Department,
Fort St.George, Chennai-9.

3.The District Collector,
Collectorate, Nagapattinam District.

1 cc to M/s.P.Vejendran, Advocate, sr.48478

W.P.No.29983 of 2016