

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.30534 of 2016
& W.M.P.Nos.26470 & 26471 of 2016

1 Delite Entertainment
Rep. by Proprietor M Chandrasekar,
Maduralaya, 6, Kamarajar Street,
6th Cross, K.K.Pudhur,
Coimbatore- 38.
..... Petitioner

Vs

1 The State of Tamil Nadu
Rep by the Secretary to Government,
Tamil Development and Information (Exhibition)
Department, Secretariat, Fort St.George,
Chennai-09

2 The Director
Information Public Relations and Deputy
Secretary of the Tamil development
Department Secretariat, Fort St. George,
Chennai- 600 009.

3 The District Collector,
Coimbatore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to G.O.Ms.No.74, Tamil Development and Information (Exhibition) Department, dated 29.05.2014, passed by the 1st respondent and quash the same.

For Petitioner : Mr.K.S.Karthik Raja
For Respondents : Mr.A.Kumar, Spl.G.P.

ORDER

This writ petition has been filed seeking a writ of Certiorari calling for the records pertaining to G.O.Ms.No.74, Tamil Development and Information (Exhibition) Department, dated 29.05.2014, passed by the first respondent and quash the same.

2. Petitioner is the successful bidder to conduct exhibition in Coimbatore city and he has also paid the required fee of Rs.8,40,000/- for the same. Now, he challenges the G.O. referred above on the apprehension that Government may give or permit any other third party/private individual to conduct another exhibition in the Coimbatore city itself. According to his probability, in the neighboring place if the Government permits to conduct exhibition, his business would be affected at large. It is also his apprehension that if two exhibition are conducted at one place very nearby, there would be lot of traffic congestion. Hence, he prays for quashing the said G.O.

3. Learned counsel for the petitioner would contend that in the Government Order it is mentioned that if the exhibition is conducted in the given place by Government, there is a bar for conducting exhibition by private individuals even prior to a month from the date on which Government exhibition is fixed. It is his further submission that the said criteria has to be followed in his case also.

4. Per contra, learned Special Government Pleader appearing for the respondents would submit that merely on assumption and presumptions this writ petition has been filed. It is the prerogative of the respondents to grant permission for conducting exhibitions to one or more persons in the same locality/area or village. The petitioner cannot question the same, that too, in a writ petition. Moreover, if more crowd had been gathered and if that place was congested on account of any exhibition or meeting and any other programme, it is the duty of the respondents to handle the said situation and the petitioner, being a private individual need not worry about the same.

5. Heard both sides and perused the materials available on record.

6. A reading of the Government Order would make us clear that the Government in order to augment the income for Government has categorically stated that permission can be granted to one or more individuals. The apprehension expressed by the petitioner regarding grant of permission for conducting exhibition to any other individuals by the Government cannot be said to be right because, the petitioner has not got any clear cut evidence for the same. Neither the petitioner has produced any order of Government granting permission nor any copy of the application from any private individuals seeking to conduct exhibition in the said area. In so far as the apprehension of traffic or crowd expressed by the petitioner, as rightly pointed out by the learned Special Government Pleader, it is the duty of the respondents to take care of the said situation and act in accordance with law and the petitioner need not worry

about the same.

7. Finding no merit, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

smi

To

- 1 The State of Tamil Nadu
Rep by the Secretary to Government,
Tamil Development and Information (Exhibition)
Department, Secretariat, Fort St.George,
Chennai-09
- 2 The Director
Information Public Relations and Deputy
Secretary of the Tamil development
Department Secretariat, Fort St. George,
Chennai- 600 009.
- 3 The District Collector,
Coimbatore.

+1 c.c. to M/S.K.S.KARTHIK RAJA, ADVOCATE, SR.NO. 51342
+1 c.c. to Govt. Pleader, SR.NO. 51288
MMP 22.10.2016

W.P.No.30534 of 2016

सत्यमेव जयते

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