



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.20669 of 2017 and
W.M.P. (MD) No.16958 of 2017

D.Raju

: Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Ramanathapuram District,
Ramanathapuram.
 2. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
 3. The Block Development Officer,
Office of the Block Development Officer,
Mandabam Block, Uchipulli,
Ramanathapuram District.
 4. The Executive Officer,
Pattinamkathan Village Panchayat,
Ramanathapuram District.
 5. The Inspector of Police,
Keenikarai Police Station,
Ramanathapuram District.
 6. The Chairman,
MGR Birth Centenary Celebration Festival Committee,
All India Anna Dravida Munnetra Kalagam,
(Purachi Thalavi Amma) Party,
AIADMK, Head Office, Rayapett, Chennai.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the Respondent Nos.1 to 5 from giving permission to sixth Respondent to conduct MGR Birth Centenary Celebration at Amma Park, (D-Block) Bharathinagar, Ramanathapuram on 25.11.2017.

**O R D E R**

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner.

2. Since this Court is disposing of the present Writ Petition at the admission stage itself, notice is not ordered to the Respondents 1 to 6.

3. According to the Petitioner, in commemoration of 100th Birth Anniversary of Late.M.G.Ramachandran, who was the then Hon'ble Chief Minister of the State and Founder of All India Anna Dravida Munnetra Kalagam Political Party and with a view to celebrate the festival, he came to understand that within the Party, a Committee has been constituted to supervise and celebrate the festival.

4. The version of the Petitioner is that according to the decision taken by All India Anna Dravida Munnetra Kalagam Party, they are going to celebrate the festival in all the 32 Districts in Tamil Nadu. Further, they had decided to celebrate the festival in Ramanathapuram District, for which, the Party has selected the Amma Park situated at D-Block, Bharathinagar, Ramanathapuram, as venue for the event.

5. The Learned Counsel for the Petitioner submits that the Amma Park was established by spending huge money from the Government Exchequer for enabling the children of the area for playing and age-old people to use it as a walking park. For using the Park, the Administration is collecting a fee of Rs.2/- for a day and Rs.50/- for a month for children and for adult, they are collecting Rs.5/- for a day and Rs.100/- for a month. Everyday morning and evening, people are using the Park for their amusement and for health purpose.

6. The plea of the Petitioner is that a place earmarked as Park cannot be used for any other purpose. Further, in the present case, Park has been established and people are using it for years and now, the sixth Respondent Party people wanted to have the celebration at the cost of the Park and that the first and second Respondents are permitting them to do all arrangements in the area, in the course of which, there are ample chance to remove all the equipments, seats and other amenities in the park. Therefore, on 06.11.2017, the Petitioner personally appeared before the first Respondent/District Collector, Ramanathapuram District and submitted a representation requesting him not to permit the sixth Respondent to have the Centenary Celebration at the Amma Park on 25.11.2017.

<https://hcservices.courts.tn.gov.in/hcservices/> to be known that immediately after presenting the representation before the first Respondent/District Collector,



Ramanathapuram District on 06.11.2017, the Petitioner has hurriedly approached this Court on 08.11.2017 (the sworn affidavit of the Petitioner is dated 07.11.2017), by filing the present Writ Petition, which, in the considered opinion of this Court, is premature and otiose one. However, considering the fact that the Petitioner's representation dated 06.11.2017 is pending before the first Respondent/District Collector, Ramanathapuram District, as on date, this Court, without going into the merits and contents of the representation made by the Petitioner dated 06.11.2017 and also not expressing any opinion one way or the other, simpliciter, disposes of the present Writ Petition, by directing the first Respondent/District Collector, Ramanathapuram District, to look into the representation of the Petitioner dated 06.11.2017 and if he finds any substance in the said representation of the Petitioner dated 06.11.2017, then he is to pass a reasoned speaking order both in qualitative and quantitative terms in a fair, just and dispassionate manner well before 20.11.2017. It cannot be gainsaid that it is open to the Petitioner to point out all the facts and to raise other legal pleas before the first Respondent/District Collector, who shall advert to the same, at the time of passing the final order in question, based on the representation of the Petitioner dated 06.11.2017, of course, well within the time adumbrated by this Court. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Superintendent of Police,
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4. The Executive Officer,
Pattinamkathan Village Panchayat,
Ramanathapuram District.
5. The Inspector of Police,
Keenikarai Police Station, Ramanathapuram District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 86553

+ 1 CC TO Mr.A.ABDUL KABUR, ADVOCATE IN SR No. 34128

SML

[https://hcservices.ecourts.gov.in/CaseDetails.aspx?CaseNo=20669&CaseType=W.P.\(MD\)&CaseStatus=Open](https://hcservices.ecourts.gov.in/CaseDetails.aspx?CaseNo=20669&CaseType=W.P.(MD)&CaseStatus=Open) : 15/11/2017 : 3P/8C

Order made in
W.P. (MD) No. 20669 of 2017
Dated: 09.11.2017