



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

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CORAM:

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

W.P. (MD) No.21538 of 2017
and
W.M.P (MD) No.17822 of 2017

Sankar

: Petitioner

.vs.

1. The Chief Secretary,
Government of Tamil Nadu,
St. George Fort, Secretariat,
Chennai.
2. The District Collector,
Thanjavur District, Thanjavur.
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, directing the Respondents to consider the Representation of the Petitioner dated 18.11.2017 and direct the Second Respondent not to permit to use the Mannar Saraboji Government Arts College Ground for any public meetings and for car parking inside.

For Petitioner

: Mr.A.Arunprasad

For Respondents

: Mr.M.Govindan,
Special Government Pleader

**O R D E R**

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

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The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the Respondents to consider the Representation of the Petitioner dated 18.11.2017 and direct the Second Respondent not to permit to use the Mannar Saraboji Government Arts College Playground for any public meeting and for 'Car Parking'.

2. Heard both sides. No counter-affidavit is filed on behalf of Respondent Nos.1 to 3.

3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, he is residing at No.19, Abiramapuram, 1st Street, Medical College Road, Thanjavur and near his house, 'Mannar Saraboji Government Arts College' is situated. In the said College, there is a Playground utilized by the general public in and around the locality and the students of the College used the same for walking, for playing Cricket, for playing Football, for Yoga etc. As a matter of fact, the said College and the Playground are Monuments of Thanjavur.

5. It is the plea of the Petitioner that there is a function of 'M.G.R. Centenary Celebration', which is to take place near the College Playground on 29.11.2017. As such, the Government Officials are uprooting the trees in the Playground and also uprooting the Poles, which were erected for playing games and they also demolished the Compound Wall of the Playground for free access. On coming to know of the afore stated fact, the Students of the College and the General Public protested in the road to show their dissatisfaction and the Second and Third Respondents rushed to the spot and assured



that the Playground will not be spoiled further and on their assurance, the Students and the public, left from the place of protest believing the words of the Respondents 2 and 3.

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6. The grievance of the Petitioner is that to his shock and surprise, on the next day ie., on 18.11.2017, the Second and Third Respondents had started their further work and they keep on damaging the Ground. Immediately, they met the Respondents 2 and 3 in person and requested them not to damage the Ground and also sent a Representation on the same day to the Second Respondent with a copy being marked to the Respondents 1 and 3, through courier.

7. Per contra, it is the submission of the Learned Special Government Pleader for the Respondents 1 to 3 that as per G.O(ID) 80 Tamil Development and Press(Exhibition and Festival) Department, dated 23.06.2017, the Government had decided to celebrate 'MGR Centenary Celebration' throughout the State and the District Administration obtained necessary permission from the College Authority for using the Parking place and the Function is scheduled to be held on the adjacent Ground owned by Thanjavur Corporation.

8. Apart from that, on behalf of Respondents 1 to 3, it is projected that the total area of the Playground is about 48 acres in which bushes were cleared, which will be beneficial to the better use of the Playground in future and that, there is no damage to the Poles. Moreover, anticipating the rain and the consequential muddy situation and for easy traffic flow, it is the version of the Respondents that M-sand has been used in some portion of the parking area. Also that, as per the security advice, small portion of the compound wall is opened and that the District Administration will set right the compound wall to its original position after completion of the function on 29.11.2017.

9. Lastly, it is the submission of the Learned Special Government Pleader for the Respondents 1 to 3 that the present Writ



Petition is not a 'Public Interest Litigation' and it is a 'Political Interest Litigation', because of the reason that the Petitioner belongs to another Political Party.

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10. This Court has heard the Learned Counsel for the Petitioner and the Learned Special Government Pleader for the Respondents 1 to 3 and noticed their contentions.

11. It transpires that the Petitioner on 18.11.2017 had addressed a detailed Communication/Representation to the Second Respondent/District Collector, Thanjavur District, praying for banning the Government function at the Playground of Mannar Saraboji Government Arts College. He had also sought for a ban of not to conduct any public function at the Playground of the College. The Representation was addressed by the Petitioner to the Second Respondent on 18.11.2017 admittedly through courier. As a matter of fact, the Petitioner within three days from the date of his Representation, dated 18.11.2017, has approached this Court and filed the present Writ Petition.

12. Considering the fact that the Petitioner's Representation dated 18.11.2017 is pending consideration at the hands of the Second Respondent/District Collector, Thanjavur and also taking note of the fact that the proposed function is to be held on 29.11.2017, at this stage, this Court without delving deep into the merits and contents of the Representation of the Petitioner, dated 18.11.2017 and also not expressing any opinion on merits in one way or other, in the interest of justice, Fair play, Equity, Good Conscience and even as a matter of prudence, directs the Second Respondent/District Collector, Thanjavur District, to look into the Representation of the Petitioner, dated 18.11.2017, within a period of three days from today and to dispose of the same, by passing a reasoned speaking order on merits in a qualitative and quantitative terms, of course, after providing necessary opportunity to the Petitioner and after adhering to the principles of natural justice.



13. It cannot be gainsaid that it is open to the Petitioner to raise all factual and legal pleas before the Second Respondent, who shall take note of the same and advert to the same at the time of passing final orders in the subject matter in issue.

14. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Secretariat,
Chennai.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.

+1cc to Special Government Pleader in SR.No.88687.

ORDER MADE IN
W.P. (MD) No.21538 of 2017
22.11.2017

pm
SDS/SKN:RSK/SAR 2/22.11.2017/5P/5C