



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED :19.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN  
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA  
W.P(MD)No.158 of 2018

V.Senthilbalaji

... Petitioner

Vs.

1.The Deputy Superintendent of Police,  
Karur Town Sub-Division,  
Karur.

2.The Inspector of Police,  
Town Police Station,  
Karur.

3.The Commissioner,  
Karur Municipality,  
Karur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to grant permission to conduct the sports events and public meeting at Thiruvalluvar Maithanam, Karur, scheduled to be held from 14.01.2018 to 18.01.2018 and consequently, to direct the respondents 1 and 2 to grant permission to conduct public meeting scheduled to be held on 18.01.2018 at Thiruvalluvar Maithanam, Karur, by considering the petitioner's representations dated 27.12.2017 and 02.01.2018.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.G.Prabhu Rajadurai<br>for Mr.K.Balasubramani      |
| For R-1 & R-2  | : Mr.A.K.Baskarapandian,<br>Special Government Pleader |
| For R-3        | : Mr.D.Raghu                                           |

ORDER

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

The Writ petition is filed by the petitioner stating among other things that he belongs to a particular political party and former Cabinet Minister in the Government of Tamil Nadu and the party members in all over the State had decided to celebrate the centenary function of the former Chief Minister of Tamil Nadu and the founder of All India Anna Dravida Munnetra Kalagam(AIADMK), namely late.M.G.Ramachandran (affectionately called as 'M.G.R'). Therefore, the party members of Karur District, had decided to



celebrate the 101 birth anniversary function of Ex-Chief Minister and in this regard, a decision has been taken to conduct a sports event, which would culminate in holding a public meeting to propagate the glory of the former Chief Minister of the State.

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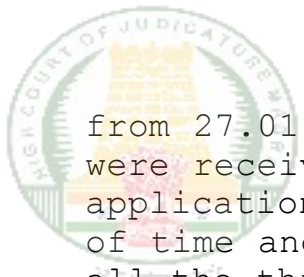
2. The petitioner would further aver that, he submitted an application dated 27.12.2017 to the third respondent, to conduct the said event from 14.01.2018 to 18.01.2018 in Karur Thiruvallur playground and he had also given an undertaking to pay necessary charges. The petitioner in order to get necessary 'No Objection Certificate' from the police Authorities, had also submitted a representation dated 02.01.2018 to the respondents 2 and 3 praying for permission, necessary police protection and also to install loudspeakers.

3. The first respondent vide communication dated 02.01.2018 in Na.Ka.No.01./Ka.Thu.Ka./Ka.U/Karur/2018, dated 02.01.2018, has informed the petitioner that the said playground belongs to the third respondent/Municipality and before conducting sports event, price distribution ceremony and holding public meeting, their permission is required and only after getting the same, the representation submitted by them seeking 'No Objection Certificate' can be processed.

4. The petitioner came forward to file this Writ petition praying for issuance of a Writ of Mandamus, directing the third respondent to accord permission to conduct sports event and public meeting at Thiruvalluvar playground scheduled to be held between 14.01.2018 and 18.01.2018 by considering his representations dated 27.12.2017 and 02.01.2018.

5. The Writ petition came up for admission on 05.01.2018 and on that day, Mr.A.K.Baskara Pandian, learned Special Government Pleader accepted notice on behalf of respondents 1 and 2 and Mr.D.Raghu, learned standing counsel accepted notice on behalf of the third respondent and would submit that one Mr.B.Nedunchezhiyan, Municipal Councillor, Karur, had also submitted an application on 27.12.2017 and sought permission to conduct sports event in the very same playground between 13.01.2018 and 18.01.2018 and also remitted fee of Rs.24,000/- vide cheque No.0043721 dated 28.12.2017 and since his application is at the earliest point of time, and the dates also clashed, prays for further time to get instructions.

6. The matter was again listed on 10.01.2018, wherein the learned standing counsel appearing for the third respondent/Municipality made a submission that the District Sports and Youth Development Officer, Karur, has submitted an application for the use of the said playground to conduct State Level Basketball Tournament from 20.01.2018 to 23.01.2018 and Kabadi Tournament



from 27.01.2018 to 31.01.2018 and since all the three applications were received on 27.12.2017 and in the light of the fact that the application given by Mr.B.Nedunchezhiyan is at the earliest point of time and also on account of the pendency of this Writ petition, all the three applications have not been processed.

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7. It is the further submission of the learned standing counsel appearing for the third respondent/Municipality that apart from Thiruvalluvar playground, a playground is under exclusive control of the District Sports Development Authority and there are two other playgrounds at Thirumanilaiyoor and Gandhigramam and the petitioner is left with an option to choose any one of those two Grounds for conducting sports event and to hold public meeting and would further add that no political ill-will, motive or malafide is involved in the decision taking process.

8. In response to the same, the learned counsel appearing for the petitioner would submit that a fraction/friction is prevailing among the members of the present Ruling Party and the petitioner, who is a former Minister belongs to rival fraction and only on that ground, the request to commemorate the 101<sup>st</sup> birth anniversary function of Ex-Chief Minister has been unjustly denied and the event is not only a public meeting, but it is preceded by sports event and as such, the third respondent is bound to accord necessary permission to conduct the sports event followed by a public meeting and he would assure that after the said events are over, the playground would be restored to original level and also undertakes to file an additional affidavit of undertaking also.

9. This Court heard the rival submissions and perused the materials placed before it.

10. It is the stand of the third respondent that Mr.B.Nedunchezhiyan, Karur Town Secretary, AIADMK, had submitted an application on 27.12.2017 and the said application is at the earliest point of time. The Register maintained by the Karur Municipality, is also produced and is maintained as per the normal course. A perusal of Page No.10 of the said Register, the application submitted by Mr.B.Nedunchezhiyan is shown in Serial No.25. The application submitted by the petitioner is shown in Serial No.26 and the application submitted by the District Sports and Youth Welfare Officer, Karur, is shown as Serial No.27. If it is the stand of the third respondent/Municipality that the application submitted by Mr.B.Nedunchezhiyan, which is shown as Serial No.25, is at the earliest point of time. However, it is to be noted at this juncture that the requisite fee had been remitted by the said individual through a cheque bearing N.0043721 on the next day ie., on 28.12.2017. It is also not made clear as to the source of the fee. It is also not made clear as to the allotting the said playground and whether along with application, necessary fee should be remitted or not. It is also the stand of the third respondent/Municipality that on



account of the pendency of this Writ Petition, all the three applications are not processed and it is also not made known that whether Mr.B.Nedunchezhiyan is still interested in conducting the sports events etc.

11. The learned counsel appearing for the petitioner on instructions would submit that since the dates indicated in the application submitted by the petitioner got expired, the petitioner may be permitted to conduct the sports event followed by a public meeting, on 27.01.2018, 28.01.2018 and 29.01.2018.

12. It is also brought to the knowledge of this Court that an exclusive playground with all sports facilities, is also maintained by the District Sports Development Authority, Karur and insofar as the application submitted by the District Sports and Youth Welfare Officer, Karur, dated 27.12.2017 is concerned, permission to conduct sports event, may be accorded to them, subject to the fulfilment of relevant norms to conduct sports meet in that playground.

13. Though the learned counsel appearing for the petitioner would vehemently submit that on account of political rivalry, permission to conduct sports event and to hold a public meeting has been unjustly denied on the dates mentioned in that application, this Court is not inclined to go into the same and taking into consideration the facts and circumstances of the case, this Court directs the respondents 2 and 3 to process the application of the petitioner dated 27.12.2017, for conducting the Sports event followed by a public meeting on 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> of January, 2018, in accordance with law, subject to usual conditions and the said exercise is to be completed on or before 23.01.2018 and communicate the decision taken, to the petitioner.

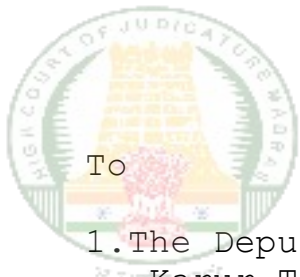
14. It is also made clear that the petitioner under the guise of conducting sports event and public meeting, shall not cause any damage to the playground and after completion of the event, shall restore the playground in its original condition and shall strictly comply with the relevant terms and conditions and to see that the events are conducted in a peaceful and cordial atmosphere.

15. The Writ Petition stands disposed of accordingly. No Costs.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

1.The Deputy Superintendent of Police,  
Karur Town Sub-Division,  
Karur.

2.The Inspector of Police,  
Town Police Station,  
Karur.

+1cc to M/S.K.Balasubramani, Advocate SR.No. 42976

+1cc to M/S.J.Senthil Kumaraiah, Advocate SR.No. 42979

ORDER MADE IN  
W.P (MD) No.158 of 2018  
19.01.2018

PM

JM/SKN RSK/SAR 4/22.01.2018/5P/5C