



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.20791 of 2018

and

W.M.P.Nos.18555 and 18556 of 2018

N.Balakrishnan

... Petitioner

vs.

1. The State rep. By
The Secretary
Home Department
St. George Fort,
Chennai.

2. The District Collector,
Tirunelveli District.

3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer
Tirunelveli, Tirunelveli District.

5. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 4th respondent vide Oo.Mu.No.A7/4647/2018 dated 17.09.2018 and quash the same as illegal and consequently direct the respondents to grant permission for conducting Exhibition, Spinning Wheels, Magic Shows, Small Shops and other children entertaining shows at "Jawahar Thidal" comprised in Sur.No.1077-1 & 1077-6 situate at Block 9, Palayamkottai, Tirunelveli District in pursuance to Navarathiri scheduled from 11.10.2018 to 21.10.2018 on the basis of the representation dated 20.09.2018 in accordance with law.

For Petitioner

: Mr.M.Saravanakumar for
Mr.M.Ramesh

For Respondents

: Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.A.K.Baskarapandian
Special Government Pleader

**ORDER****(Order of the Court was made by T.RAJA, J.)**

WEB COPY This Writ Petition is against the impugned order dated 17.09.2018 refusing to grant permission for conducting exhibition, spinning wheels, magic shows, small shops and other children entertaining shows at "Jawahar Thidal" comprised in Sur.No.1077-1 & 1077-6 situate at Block 9, Palayamkottai, Tirunelveli District in pursuance to Navarathiri scheduled from 11.10.2018 to 21.10.2018.

2.Learned counsel assailing the impugned order submitted that the petitioner is carrying on business in running a public entertaining show like spinning wheels, magic shows, small shops and other entertainment shows. Since the Dasara celebration is being conducted in the Tamil month of Purattasi (October) all over India and also in Tamil Nadu for about 10 days, with every entertainment programmes, to celebrate this year dasara festival, the petitioner is organizing an entertainment show, exhibitions to be conducted in Tirunelveli District. When they have searched for good and convenient place, ultimately they found Jawahar Thidal, which is situate at Block 9, Palayamkottai, Tirunelveli District, to hold exhibition and other and out of the total extent of 4805 sq. ft, 1575 sq. ft was leased out to the petitioner in the said Jawahar thidal for 10 days from 2006 to 2017. During that time, when the petitioner approached the authorities seeking permission considering the fact that the programme was only a children entertainment shows along with small shows and exhibitions for the years 2006-2017, permissions were granted by the authorities.

3. This year also for celebrating Navarathri festival between 11.10.2018 and 21.10.2018, the petitioner approached the authorities for getting prior approval by submitting a representation dated 12.06.2018. It is further submitted that the petitioner has also approached the Fire Service Department on 22.06.2018 and obtained No Objection Certificate and also obtained permission from the Health Department with regard to the sanitary and dispensaries on 28.06.2018 and moreover, NOC was also obtained from the Inspector of Police, Palayamkottai on 25.07.2018. That apart, he has also taken a Demand Draft for Rs.1,40,440/- for the lease amount towards the ten days programme commencing from 11.10.2018 to 21.10.2018 on the basis of the market value fixed by the fourth respondent, on 06.08.2018. But, all of a sudden, the fourth respondent refused to consider the said request of the petitioner citing the order passed by this Court in W.P.(MD) No.20597 of 2017 dated 09.02.2018.

4. It is contended by the learned counsel for the petitioner that If the order passed by the Revenue Divisional Officer herein is properly perused, there is no ban imposed against organizing exhibition as well as shows to entertain the children at Jawahar Thidal in Palayamkottai, Tirunelveli District. Therefore, the order



impugned herein passed by the fourth respondent refusing permission to conduct the programme is liable to be interfered with, it is pleaded.

5. Learned Additional Advocate General assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader, submitted that taking note of the fact that the children going to the Schools and the inmates of the hospital situated nearer to the Jawahar Thidal, this Court passed an order banning all party meeting, agitations, dharnas and cultural programmes in W.P.(MD) No.20597 of 2017. Accepting the order, the impugned order has been passed. Therefore, if permission sought for by the petitioner is granted that would amount to violation of the direction issued by this Court in W.P.(MD) No.20597/2017.

6. We also fully agree with the reasons cited in the impugned order and no interference is warranted to the impugned order. At this juncture, the learned counsel for the petitioner sought liberty to file a review application. Granting such liberty, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Secretary
Home Department
St. George Fort, Chennai.
2. The District Collector,
Tirunelveli District.
3. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
4. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer
Tirunelveli, Tirunelveli District.
5. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City, Tirunelveli.

+1cc to Spl.Government Pleader Sr.No.88837

RR

VB/BK/SAR2/06.12.2018/3P/7C