

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 02.08.2019

Orders Pronounced on : 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.9870 of 2019
and W.M.P.No.10467 of 2019

R.Vijay Kumar ... Petitioner

Vs.

The District Collector,
Vellore, Vellore District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records in pursuant to the impugned order in Na.Ka.C3/29668/2018, dated 19.02.2019 issued by the respondent and quash the same, consequently direct the respondent to grant permission to conduct Manjuvirattu (Bull race) at Thiru.V.Ka.Nagar, Kattupadi, Kanniyampadi, Vellore, Vellore District.

For petitioner : Mr.M.Satish Kumar

For respondent : Mr.V.Shanmuga Sundar, Spl.G.P.

ORDER

R.Subbiah, J

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records in pursuant to the impugned order in Na.Ka.C3/29668/2018, dated 19.02.2019 issued by the respondent and quash the same, consequently direct the respondent to grant permission to conduct Manjuvirattu (Bull race) at Thiru.V.Ka.Nagar, Kattupadi, Kanniyampadi, Vellore, Vellore District.

2. The case of the petitioner is as follows:

Every year, on account of Kaanum Pongal, which falls third day immediately after the Pongal festival, the petitioner and his village people are conducting the Manjuvirattu event at their village and the villagers had decided to conduct the event by offering prayers to their village Goddess Sri Renugambal in the morning and taking the Idol of Sri Renugambal, Droupathi and Pancha Pandavar statues as procession through the village following the Manjuvirattu. The petitioner had preferred a representation on 10.12.2018 to the respondent to grant permission to conduct the Manjuvirattu and the same was pending for two months without any disposal by the respondent. Hence, the petitioner preferred a Writ Petition in W.P.No.2090 of 2019 before this Court, which was disposed of on 07.02.2019, directing the respondent-District Collector to consider the petitioner's representation, dated 10.12.2018 by affording an opportunity of personal hearing to the petitioner and pass appropriate orders with regard to granting the permission to conduct the Manjuvirattu. It was made clear in the said order that this Court had not expressed any opinion on the merits of the matter and it is for the respondent to consider the same while disposing of the representation. The entire exercise was directed to be completed by the respondent within a period of one week from the date of receipt of a copy of the order. Accordingly, on receipt of a copy of the said order of this Court, the petitioner approached the respondent by communicating the said order of this Court. On receipt of the said representation, the respondent had enquired and passed the impugned order of rejection, dated 19.02.2019, against which the present Writ Petition is filed for the relief stated supra.

3. The learned counsel for the petitioner submitted that a reference was made before the respondent after the said order of this Court. Since the impugned order of rejection was passed, the present Writ Petition was filed on 26.03.2019 itself and the learned counsel prayed that the direction as sought for in this Writ Petition may be issued.

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

5. It is to be noted that the Tamil Nadu Government has issued a letter in No.7952/AH-3/2018-1, dated 14.05.2018 in which it is categorically mentioned that no permission can be given to conduct Jalli Kattu, etc., beyond May of every year. We find that as per the said letter of the Government, the period for conducting Manjuvirattu (as prayed for herein) is now beyond May 2019, though the representation in that regard was moved earlier on 10.12.2018 itself. Therefore, a specific period was

fixed for conducting the Manjuvirattu, as specified in the said letter. Further, the respondent had rejected the request for conducting the Manjuvirattu event on the ground of traffic congestion and there is possibility of the accident being caused in the area being nearby Highways. It was further observed in the impugned order that the petitioner had not produced any proof to show that 20 years before, the said event was conducted. We do not find any infirmity in the decision taken by the respondent in rejecting the request of the petitioner for conducting Manjuvirattu on the above grounds. Further, at this distant point of time, when the Writ Petition is taken up for final disposal, it is not appropriate for this Court to entertain the prayer sought for conducting the said Manjuvirattu event, which is now beyond May month, even though the Writ Petition was filed as early as in March 2019 itself, but several adjournments had been granted in the meantime at the request of either side. It is for the competent authority to decide the issue in question, and therefore, by setting aside the impugned order of the respondent, we cannot give any direction. The administrative decision cannot be decided in the Writ Petition filed under Article 226 of the Constitution of India and it is the discretion vested with the concerned authorities to decide the administrative actions. This Court finds that the respondent has rightly rejected the application seeking permission for conduct of Manjuvirattu event. Therefore, we do not find any valid reason to interfere in these kinds of matters. The petitioner can very well apply before the authorities concerned for conducting Manjuvirattu and related functions next year, before-hand and seek necessary relief.

6. With the above observations, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

CS

To

The District Collector,
Vellore, Vellore District.

+lcc to the Government Pleader Sr.68440

W.P.No.9870 of 2019

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