



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.6632 of 2019
and
W.M.P.(MD) No.5290 of 2019

A.Mu.Sharavanan

... Petitioner

-vs-

1.The District Collector,
Madurai District, Madurai.

2.The Superintending Engineer,
Public Works Department,
Madurai Circle, North Chithirai Veethi,
Madurai.

3.The Executive Engineer,
Public Works Department,
Madurai Zone, Thallakulam,
Madurai.

4.The Executive Engineer,
Public Works Department (PWD),
Water Resource Organisation (WRO),
Periyar Main Canal Division,
Melur, Madurai District.

5.M/s.Chakra Skating Association,
rep. by its Proprietor/Secretary,
Chockalingam,
No.5, Main Street,
Atchaya Apartment,
Thirunagar, Madurai.

... Respondents

PRAYER: Petition is are filed under Article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus, to call for the records of impugned proceedings of the 4th respondent vide Letter No.48M/VaPa/VaA/Co:19(A)/2017 dated 22.03.2016 and quash the same as illegal and consequently and direct the respondents 1 to 4 to allow all the skaters to use the skating rink, situated at Vandiyur Kanmoi Park, K.K.Nagar, Madurai during morning and evening and to maintain and renovate the above said skating rink.



For Petitioner : Mr.G.V.Vairam Santhosh

For Respondents : Mr.A.K.Baskarapandian, Spl.G.P.
for RR1 to 4

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O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]

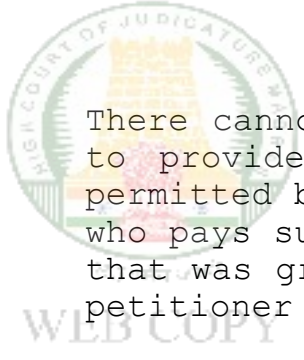
The petitioner has filed this public interest litigation to issue a writ of certiorarified Mandamus, to call for the records of impugned proceedings of the 4th respondent vide Letter No.48M/VaPa/VaA/Co:19(A)/2017 dated 22.03.2016 and quash the same as illegal and consequently and direct the respondents 1 to 4 to allow all the skaters to use the skating rink, situated at Vandiyur Kanmoi bank, K.K.Nagar Park, K.K.Nagar, Madurai during morning and evening and to maintain and renovate the above said skating rink.

2.The petitioner states that there is a skating rink operating from 2004 located at Vandiyur kanmoi bank, K.K.Nagar Park, Madurai. The petitioner further states that the said skating rink belongs to the Government and now under the control of 5th respondent, which is a private association by way of licence. The proceedings of the 4th respondent dated 22.03.2017 shows that licence has been granted to the 5th respondent till 30.11.2019. Licence was granted in favour of the 5th respondent from 01.12.2016 upto 30.11.2019. The licence granted in favour of 5th respondent is subject to several conditions including the fee that can be collected by the 5th respondent from users.

3.It is not in dispute that the skating rink has been established by the 4th respondent for the benefit of public and it has now been given to 5th respondent with a condition that the 5th respondent should maintain the skating rink properly, so that, it would be available for the users without any difficulty. The fee structure for the users is also prescribed in the letter. Only the persons who have obtained permission and identity card from PWD are entitled to use the skating rink.

4.The grievance of the petitioner is that only the members of the 5th respondent association are permitted to use the skating rink during evening and that the private persons other than the members also should be permitted to use the above said skating rink at a minimum fees. As per the licence permission has to be obtained from the concerned official of PWD and on payment of the prescribed fee. The petitioner is neither a member of fifth respondent nor has obtained permission from PWD.

5.The request of the petitioner can be considered by the fourth respondent. It is not the case of the petitioner that the petitioner and others can not become members of the 5th respondent association, which is now maintaining the skating rink for the benefit of the public as per the licence granted in its favour.



There cannot be any discrimination as the 5th respondent is expected to provide this facility at minimal cost to anyone, who can be permitted by the competent authority as per the terms of licence and who pays subscription and licence fee in accordance with the licence that was granted in favour of the 5th respondent. It is open to the petitioner to approach the fourth respondent.

6.In the above circumstances, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Superintending Engineer,
Public Works Department,
Madurai Circle, North Chithirai Veethi, Madurai.
- 3.The Executive Engineer,
Public Works Department,
Madurai Zone, Thallakulam, Madurai.
- 4.The Executive Engineer,
Public Works Department (PWD),
Water Resource Organisation (WRO),
Periyar Main Canal Division, Melur, Madurai District.

+1 CC to M/s.SPL GP (SR-56114[F] dated 22/03/2019)

W.P. (MD) No.6632 of 2019

and

W.M.P. (MD) No.5290 of 2019

21.03.2019