



W.P.No.26175 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26175 of 2022

J.Ibrahim

.... Petitioner

-Vs-

- 1 The Secretary
Tourism Culture and Endowments Department
Fort St. Goerge, Chennai-9
- 2 The Managing Director
Tamil nadu Tourism Development Corporation
Wallajah Salai, Chennai-2
- 3 Chennai Fire Works dealers Welfare Association
Rep. by its Executive President
No. 5 Ramasamy street, Pursawalkam
Chennai 600 084.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioners representation dated 13.09.2022 and pass appropriate orders within stipulated time period as may be fixed by this Honble court.

For Petitioner : Mr.S.Sathish

For Respondents : Mr.T.Venkatesh Kumar
Special Government Pleader – for R1
Mr.P.Sanjai Gandhi,
Government Advocate – for R2

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioners representation dated 13.09.2022 and pass appropriate orders within stipulated time period as may be fixed by this Court.

2. It is the case of the petitioner that, the petitioner is involved in retail vending of Deepavali Crackers business for the past 12 years and more at Bunder Street, Chennai 600 001. In the year 2011, as per the orders passed by this Court in a Public Interest Litigation, in order to ensure the safety and security of the public, this kind of retail vending of crackers was shifted to an airy space for which a part of Island Grounds at Chennai was identified and in that open ground, this kind of retail vending shop owners were permitted to have their stalls. At that time, each shop / stall was allowed for a meagre rent of Rs.250/- or so and subsequently it has been enhanced.

3. Over the years, since there has been stiff competition to get a shop in the said identified place ie., Island Grounds, the authorities concerned have introduced the system of auction, under which the shops are being allotted on the basis of highest bidder, and according to the petitioner, in the year 2022 the bid amount has been fixed at Rs.1,40,000/- per shop. That apart, the person who takes the shop has to incur a sum of Rs.50,000/- for installing such shop



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and therefore a sum of Rs.2,00,000/- has to be spent and by virtue of the higher amount fixed by the authorities, small traders like the petitioner are getting affected. Therefore, in order to allot the shops for a lesser rent to small traders like the petitioner, the petitioner requests that some scheme / arrangement may be made so that the small traders like the petitioner can be benefitted. In order to consider this plea of the petitioner, he has given a representation on 13.09.2022 to the respondents and since the same has not been considered, he has approached this Court.

4. Heard Mr.S.Sathish learned counsel for the petitioner, Mr.T.Venkatesh Kumar, learned Special Government Pleader for the first respondent and Mr.P.Sanjai Gandhi, learned Government Advocate for the second respondent. The third respondent being an association wherein the petitioner being a member, in view of the order that is going to be passed in this writ petition, notice to the third respondent is hereby dispensed with.

5. I have heard the learned counsel for the parties and have perused the materials placed on record.

6. The involvement in retail vending of crackers is purely a commercial venture. The method generally being adopted for granting licence to persons



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who involve in such commercial venture will be on the basis of highest bidder.

Therefore, in this regard since the competition is more and the situations are less, it is quite natural for the respondents to adopt the system of auction / tender and accordingly if the shops are fixed with upset price for auction or tender, it is for the bidders like the petitioner to compete and take the shop provided if it is economically feasible for them.

7. Merely because the petitioner claims that he is a small trader and his trade is affected, he cannot expect the respondents to make a scheme to suit his convenience and hence the prayer sought for in this writ petition as projected in his representation dated 13.09.2022 cannot be granted, as it is not feasible for compliance. Moreover, if this kind of special treatment is accepted for the sake of some traders like the petitioner, that would be a clear violation of the provisions of Article 14 of the Constitution of India and hence this Court is not inclined to entertain this writ petition. Hence, it fails and is accordingly dismissed. No costs.

27.09.2022

Index : Yes/No
Internet : Yes/No
KST
To

1 The Secretary
Tourism Culture and Endowments Department
Fort St. George, Chennai-9



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2 The Managing Director
Tamil nadu Tourism Development Corporation
Wallajah Salai, Chennai-2



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R. SURESH KUMAR, J.

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