



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD)No.9445 of 2022

WEB COPY

S.Sudhakaran

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli.

2.The Director,
Public Relations Office/Deputy Secretary,
Tamilnadu Information and Public Relations Department,
Secretariat,
Chennai.

3.The Assistant Director,
Public Relations office,
District Collectorate,
Tiruchirappalli.

4.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

5.The Assistant Commissioner,
K.Abhishekapuram Zone,
Tiruchirapalli.

6.The Commissioner,
Tiruchirapalli City Police,
Tiruchirapalli.

7.The District Officer,
Fire and Rescue Operations,
Tamilnadu Fire Service,
Tiruchirapalli.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandmaus to call for the records in Na.Ka.No.79/PRO/2022 dated 02.05.2022 on the file of the third respondent and quash the same as illegal, arbitrary and Non-est in the face of law and consequently direct the second respondent to issue necessary orders to conduct the exhibition for the period from the date of this order till 28.05.2022.

For Petitioner

: Mr.V.R.Shanmuganathan
for Mr.P.Parthiban



For R1 to R3

: Mr.J.K.Jeyaseelan
Government Advocate

For R4,5

: Mr.R.Baskaran

O R D E R

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This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed in Na.Ka.No.79/PRO/2022 dated 02.05.2022 and for consequential direction to the second respondent to issue necessary orders to conduct the exhibition for the period from the date of this order till 28.05.2022.

2. The learned counsel for the petitioner submits that the petitioner is conducting exhibition and other entertainment events based on the requirements of his clients for the past 15 years. Therefore, a representation dated 14.03.2022 has been given to the third respondent to conduct exhibition with the household stalls and entertainment for the children in the playground owned by ST.John's Vestry Higher Secondary School, Trichirappalli. According to him, the playground of the said St.John's Vestry Higher Secondary School is situated within 750 metres from the main bus stand, which is easily accessible to all the people in and around Tiruchirappalli.

3. It is his further submission that the exhibition is conducted with an intention to give relief to the middle class people, who cannot afford money to visit tourist places during vacation. The school authorities also have given their concurrence to rent the premises on 18.02.2022. When the St. John's Vestry Higher Secondary School is a private school, the impugned order cannot be passed by the respondents, which is against the order passed by this Court on 30.11.2017 in W.P(MD)No. 31129 of 2019 (In **Kathirvel Vs. the State of Tamil Nadu and 3 others**). In paragraph No.6 of the above said order, this Court has held that any educational institution should be allowed to function as it is without any interference from the Government. The Government has directed not to conduct any programme except education related programmes in any of the educations institutions, whether it is school or college or university. It is applicable to the Government Schools alone and not to the private Schools and Colleges.

4. I find merits in the said submission. The impugned order also does not show that notice has been issued to the petitioner, which is in violation of principles of natural justice.

5. In view of the above and in the interest of justice, the impugned order is liable to be set aside. Accordingly, the same is set aside. Consequence thereof, the third respondent is hereby directed to provide permission to run the exhibition with household



stalls and entertainment for the children in the playground upto 31.05.2022.

6. In the result, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (Vacation
Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Cm/Vrn

To.

1.The District Collector,
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RD(13.05.2022) 3P 8C

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