



W.P.(MD)No.15531 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.15531 of 2022

T.S.Srinivas

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Rajakkamangalam Police Station,
Rajakkamangalam, Kanyakumari District. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to grant permission and to provide police protection to conduct the "Bullock Cart Race" starts from Erumbukadu Junction to Paruthivilai Sivasudalai Madasamy Kovil on 24.07.2022 by considering the petitioner's representation, dated 06.07.2022.

For Petitioner :Mr.T.Selvakumaran

For Respondents :Mr.S.P.Maharajan

Special Government Pleader



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents herein to grant permission and to provide police protection to conduct the “Bullock Cart Race” starts from Erumbukadu Junction to Paruthivilai Sivasudalai Madasamy Kovil on 24.07.2022 by considering the petitioner's representation, dated 06.07.2022.

2.Heard Mr.T.Selvakumaran, learned Counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.In the affidavit filed in support of this Writ Petition, the petitioner has stated that he is the President of “Swamy Vivekanandar Elaingnar Mandram” and villagers of Elluvilai are conducting cultural and sports events on account of “Aandu Vizha”. Though no event was conducted for the last two years due to COVID-19 situation, it is stated by the petitioner that this year, the villagers wanted to conduct bullock cart race from Erumbukadu Junction to Paruthivilai Sivasudalai Madasamy Kovil. Stating that the second respondent has not considered the



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representation given by the petitioner, the above Writ Petition is filed.

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4.The learned Special Government Pleader, on instructions, states that the petitioner has not conducted the events in the past and that the representation of the petitioner was considered by the second respondent and he has forwarded his recommendations to the first respondent to the effect that the event cannot be permitted, as the proposed road is a State Highway with a heavy traffic.

5.Since the representation had been forwarded to the first respondent with the recommendation not to grant permission, this Court is not inclined to grant any relief to the petitioner. There cannot be a positive direction by this Court to the police officials, as they are the people who are responsible to maintain law and order. In view of the recommendation of the second respondent, this Court is of the view that the first respondent may not pass an order in favour of the petitioner by permitting him to conduct the bullock cart race. The petitioner, as a matter of right, cannot get permission, as the petitioner's privilege/right cannot outweigh public interest or public convenience. There will be hindrance to the free flow of traffic. In such circumstances, this Court is inclined to dispose of the Writ Petition in the following lines:



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“The first respondent is directed to consider the representation of the petitioner, as has been forwarded by the second respondent, in accordance with law. Liberty is reserved to the petitioner to challenge the order of the first respondent, in case, it is adverse to him. It is open to the petitioner to choose any other alternative place, where there will not be much hindrance to the public. When such a representation is made by the petitioner, it is open to the respondents to consider the same in the manner known to law taking into account the view of second respondent.”

No costs.

[S.S.R., J.] [S.S.Y., J.]
18.07.2022

Index : Yes / No

cmr

To

- 1.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Rajakkamangalam Police Station,
Rajakkamangalam, Kanyakumari District.



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and

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