



W.P.Nos.30680 & 29635 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.30680 & 29635 of 2023 and
WMP.Nos.30340 & 29251 of 2023

WP.No.30680 of 2023

Chennai Metro Fire Works Dealers Association,
Represented by N.P.M.Shiek Abudullah,
S/oNP Mohamed
31, Bundar Street, Chennai-600 001

... Petitioner

vs.

1.Tamil Nadu Tourism Development Corporation,
Rep. by its Managing Director,
Wallajah Road, Chennai-2.

2.Chennai Fire Works Merchants Welfare Association
Rep. by its President Z.Mohamed Javeed Akthar
No.9/27, Raja Street, R.A.Puram,
Chennai-600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondent to cancel the order of the allotment by the 1st respondent to 2nd respondent which is against the orders and directions of the Division Bench of High Court in WP.No.2943 and 21985 of 2014 dated 3.9.2014.



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AND

WP.No.29635 of 2023

Chennai Metro Fire Works Dealers Association,
Represented by N.P.M.Shiek Abudullah,
S/oNP Mohamed
31, Bundar Street, Chennai-600 001

... Petitioner

vs.

Tamil Nadu Tourism Development Corporation,
Rep. by its Managing Director,
Wallajah Road, Chennai-2.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondent to allot shops for sale of fire crackers during Diwali Festival in 2023 in the Island Ground lands and to Petitioner's association as per orders of this Hon'ble Court in WP.No.2943 of 2014 and 21985 of 2014 dated 03.09.2014 without imposing any condition.

(In both WPs)

For Petitioner : Mr.G.Appavu

For Respondents : Mr.R.Neelakandan, Additional Advocate General
assisted by
Ms.G.Daisy Rani (for R1)
Standing Counsel



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COMMON ORDER

The petitioner in these writ petitions is the Chennai Metro Fire Works Dealers Association (petitioner). The prayer in WP.No.30680 of 2023 is for a direction cancelling the allotment made by the first respondent, the Tamil Nadu Tourism Development Corporation (TTDC/Corporation/R1) of a tender for organising the Annual Crackers Fair to the Chennai Fire Works Merchants Welfare Association (Association/R2). The prayer in WP.No.29635 of 2023 is for allotment of shops in Island Grounds for sale of fire crackers during Diwali Festival, 2023, as per orders of this Court in WP.No.2943 of 2014 and 21985 of 2014 dated 03.09.2014 without imposing any condition.

2. According to the petitioner, the award of tender for conduct of Diwali Crackers Fair, 2023 to the Association is against the specific directions of the Division Bench in WP.Nos.2943 and 21985 of 2014 dated 03.09.2014. This matter has a chequered history dating back to 2005. Public Interest Litigation came to be filed in WP.No.38180 of 2005 by K.R.Ramasamy @ Traffic Ramasamy.

3. The prayer therein was for a mandamus directing the respondents to reconsider the grant of licences for storing and selling crackers in five streets i.e.



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(i)Bundar Street, (ii)Anderson Street, (iii)Malayaperumal Street, (iv)Stringers Street and (v)Umpherson Street ('five streets').

4.The petitioner inter alia sought a direction to the first respondent, being the State, to permit storage and sale of crackers only in Island grounds or any other place where public safety could be ensured. The First Bench of this Court by an order dated 28.09.2006 issued a series of directions in regard to the measures to be followed for storage of crackers, sale, advertisements, holding of meetings prior to issuance of licences for Deepavali Season etc.

5.Relevant to these matters, is a direction by the Bench at clause (xiii) of that order to the Commissioner, Corporation of Chennai as well as the Police Commissioner, to shift the Fireworks shops from congested areas in the city including five streets to an open ground within the city limits as well as provide Fireworks booth system, in operation in cities like Calcutta and Bangalore.

6.Thereafter, a series of orders have come to be passed touching upon these issues in writ petitions, contempt petitions and writ appeals, almost year after year. Based on the above trajectory of events, the petitioner would urge that it is only the petitioner association that holds exclusive claim over the conduct of the Annual fireworks fair. It is pointed out that the petitioner



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Association was the force behind the Public Interest Litigation and the streamlining that took place thereafter.

7.Mr.G.Appavu, learned counsel for the petitioner would draw my attention to other orders passed by the Division Benches, one in Contempt Petition No.833 of 2006 dated 20.10.2008 by the First Bench where there is a specific reference to the shops in the five streets and yet another in Contempt Petition No.1319 of 2020 dated 04.01.2011 also making a reference to the five streets.

8.Thus, the petitioner would vehemently urge that the entirety of the initiative in ensuring safe storage and sale of crackers was only by this petitioner and it thus cannot be denied an exclusive right to run/manage the annual cracker fair.

9.This submission cannot be countenanced for multiple reasons. First, nothing in the orders passed by the Benches thus far would vest any sort of exclusive right in the petitioner Association. Undoubtedly, the members of the association could, and do make applications for allotment of shops in Island grounds every year, whomsoever is awarded the tender to manage the fair annually.



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10. That apart, the petitioner is itself at liberty to participate in the annual tender that is floated by the State for this purpose. Undoubtedly, norms would dictate or rather mandate, that there be equity and fairness in the award of public tenders and the process followed must be democratic and inclusive. Thus, there is no justification whatsoever for the petitioner claiming exclusivity based on its initial efforts. Needless to say, it is the efforts of the petitioner in the Public Interest Litigation that has resulted in streamlining of the annual Diwali sale. However, the petitioner would have to rest content with the satisfaction of having engaged in a good cause and cannot claim any economic benefit over and above the same.

11. With this, the prayer in these writ petitions are rejected and the same are dismissed. I have, in my order of even date passed in WP.No.29211 of 2023 directed the Managing Director, Tamil Nadu Tourism Development Corporation to undertake the exercise of re-allotment of crackers booth and the petitioner is also at liberty to participate in such re-allotment. No costs. Connected miscellaneous petitions are closed.

vs

30.10.2023

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

Note: Issue order copy on 31.10.2023.



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To

The Managing Director,
Tamil Nadu Tourism Development Corporation,
Wallajah Road, Chennai-2.



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Dr.ANITA SUMANTH, J.

VS

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