



W.P.(MD) No.20110 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.20110 of 2023

and

W.M.P.(MD)No.16582 of 2023

V.K.R.Sethumuthuramalingam

: Petitioner

-vs-

1.The Airport Authority of India,
Madurai Airport,
Perungudi, Madurai.

2.The Superintendent of Police,
Madurai District.

3.The Inspector of Police,
Perungudi Police Station,
Madurai District.

4.All India Anna Dravida Munnetra Kazhagam,
Represented by its
General Secretary,
No.226, Avvai Shanmugam Salai,
Royapettah, Chennai-14

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a writ of Mandamus, to direct the respondents 1 to 3 not to permit



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the fourth respondent from conducting their AIADMK party meeting scheduled to be taken place on 20.08.2023 at a place situated just opposite to Arulmigu Karuppasamy Temple, Perungudi, Madurai District.

For Petitioner : Mr.R.Anand
for Mr.S.Manoj Kumar

For R1 : Mr.C.Godwin

For R2 & R3 : Mr.S.Ravi
Additional Public Prosecutor

For R4 : Mr.Vijaya Narayananan
for Mr.M.Chandra Sekaran

ORDER

[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]

This Public Interest Litigation is brought with the prayer to direct the respondents not to permit the fourth respondent from conducting their AIADMK party meeting scheduled to be held on 20.08.2023 at a place opposite to Arulmigu Karuppasamy Temple, Perungudi, Madurai District.

2. The cause, the petitioner projects is that the said political party is conducting a day long meeting which is located in a place very near to the Madurai International Airport. When above 15 lakhs people are expected for the meeting, no inspection and no objection has been obtained from the



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appropriate authority as per the Rule 4 of the Ministry of Civil Aviation (Height and Restriction for Safeguarding of Air Craft Operation) Rules 2015.

When the political party is about to raise even temporary structures of more than 50 feet and they are about to burst crackers, the same poses danger to the civil aviation and to the common public.

3. It is to be seen that the said political party had been preparing for the meeting from the month of April 2023 and wide publicity has also been given in respect of the event. While so the petitioner has chosen to approach this Court on the last working day before the meeting which is scheduled to be held on 20.08.2023. Essentially, the prayer of the petitioner has become infructuous because the respondents have produced a copy of the order of permission granted on 31.07.2023 itself. Therefore, in the absence of the challenge to the said order, the prayer sought for by the petitioner cannot be countenanced.

4. In any event, it is also stated that the Airport authorities have also visited the premises and have informally conveyed the no objection for the same. As far as the Rules is concerned, Rule 4 of the Ministry of Civil Aviation (Height and Restriction for Safeguarding of Air Craft Operation) Rules 2015 has to be read with Rules 5, 7 and 9 of the said Rules. As per



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Rule 7, the local authority has to consider the approval of the buildings are structures beyond the permissible limit only after obtaining No Objection Certificate from the appropriate authority under the Rules. The petitioner has not come up with the exact location, permissible height levels etc., so as to grant any *ex parte* order stalling the meeting. Considering that the meeting has to take place on 20.08.2023 and no purpose will be served by issuing notice to the respondents and considering the fact that adequate conditions not to burst crackers etc., have already been imposed by the order granting permission, we are of the view that this Public Interest Litigation cannot be entertained. More so in the absence to the challenge to the order granting permission dated 31.07.2023.

5. In the result, the writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

18.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

WEB COPY

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Perungudi Police Station,
Madurai District.



WEB COPY



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and
D.BHARATHA CHAKRAVARTHY, J.

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