



WEB COPY



W.P.No.26634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26634 of 2024
and W.M.P.Nos.29151 and 29152 of 2024

C.Mahavel

... Petitioner

-Vs-

1. The District Collector,
Office Of District Collectorate,
Tirupathur District.

2. The Joint Director,
District Rural Development Agency,
Vellore.

3. The Commissioner / The Block Development Officer,
Panchayat Union,
Jolarpettai, Tirupathur District. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, Calling for the all documents relating to the order passed by the third respondent in Na.Ka.A2/1376382/2023 dated 01.04.2024, and quash the same as illegal and arbitrary and direct the respondents not to interfere in operating the giant wheel in the Poonganoor Children Park, at Yellagiri, in Thirupathur District.

For Petitioner : Mr.S.Vijayakumar



WEB COPY



W.P.No.26634 of 2024

For R1 and R2 : Mr.V.Manoharan
Additional Government Pleader
For R3 : Mr.M.S.Arasa Kumar
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 01.04.2024, thereby ordered to stop the operation of the giant wheel in Poonganoor Children Park, at Yellagiri, in Thirupathur District.

2. Heard both sides and perused the materials available on record.

3. The third respondent issued tender notification for leasing out the Poonganoor Children Park, at Yellagiri, in Thirupathur District to collect entrance fee for a period of 01.11.2023 to 30.11.2024. The petitioner had participated in the tender and he was selected as a successful bidder. Thereafter, the third respondent had executed a lease license agreement on 30.10.2023 in favour of the petitioner, thereby permitted the petitioner to collect entrance fee in Poonganoor Children Park, at Yellagiri, in Thirupathur District on certain conditions. As per



W.P.No.26634 of 2024

the lease agreement, the petitioner was permitted to install the amusement instruments and Giant Wheel in the park at his own expense. However, the petitioner had installed giant wheel instead of ordinary wheel and operated the same. On inspection made by the first respondent, it was found that the petitioner operated the giant wheel without proper license, as per G.O.Ms.No.74 dated 29.05.2014.

4. The learned counsel for the petitioner would submit that the G.O.Ms.No.74, Tamil Development and Information (Exhibition) Department, dated 29.05.2014 has been issued in order to regulate the exhibition conducted by private. It is no way connected with recreational equipment which was permitted to be installed in the park.

5. A perusal of the G.O.Ms.No.74, Tamil Development and Information (Exhibition) Department, dated 29.05.2014 revealed that they had issued certain guidelines for conducting exhibition. That apart, the object of the Government Order is that without obtaining any proper permission, in the name of exhibition there are so many illegal activities



W.P.No.26634 of 2024

WEB COPY

to cheat the public. Therefore, the Government had issued certain conditions and guidelines to operate the exhibition. Therefore, while installing giant wheel instead of ordinary wheel, the petitioner ought to have obtained necessary license from the Public Relation Officer.

6. Therefore, the first respondent had rightly ordered to stop the operation of giant wheel in the Poonganoor Children Park, at Yellagiri, in Thirupathur District and this Court finds no infirmity or illegality in the order passed by the third respondent and the writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to approach the Public Relation Officer for license to operate the giant wheel in Poonganoor Children Park, at Yellagiri, in Thirupathur District, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the concerned authority is directed to consider the same on merits and in accordance with law, within a period of two weeks thereafter.



W.P.No.26634 of 2024

WEB COPY

7. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

12.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
mn



WEB COPY



W.P.No.26634 of 2024

G.K.ILANTHIRAIYAN. J.

mn

To

1. The District Collector,
Office Of District Collectorate,
Tirupathur District.
2. The Joint Director,
District Rural Development Agency,
Vellore.
3. The Commissioner / The Block Development Officer,
Panchayat Union,
Jolarpettai, Tirupathur District.

W.P.No.26634 of 2024

12.09.2024