



W.P(MD)No.28236 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.28236 of 2024

Mahalingam

... Petitioner

vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Superintendent of Police
Madurai District,
Madurai.

3. The Deputy Superintendent of Police,
Melur,
Madurai District.

4. The inspector of Police,
Kilavalavu Police Station,
Madurai,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant permission and to provide adequate police protection to conduct



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the "Bullock Cart Race" on 07.12.2024 at about from 07.00 am to 09.00 p.m at Vellanayagampatti to Vannamparaipatti (Near Sri Manthai Karuppanaswamy Temple, Vellanayagampatti) by considering the petitioner's representation dated 21.11.2024.

For Petitioner : Mr.C.Meenakshi Rama Prabu
For R1 : Mr.P.Thilakkumar, Government Pleader
For R2 to R4 : Mr.S.Kottai Chamy
Government Advocate (Crl.Side)

ORDER

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

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus, directing the respondents herein, to grant permission and to provide adequate police protection to conduct the "Bullock Cart Race" on 07.12.2024 from 07.00 am to 09.00 p.m at Vellanayagampatti to Vannamparaipatti (Near Sri Manthai Karuppanaswamy Temple, Vellanayagampatti), by considering the petitioner's representation dated 21.11.2024.



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3. The learned counsel appearing for the petitioner would submit that in connection with Manthai Karuppanaswamy Temple at Vellanayagampatti, every year bullock cart race is being conducted and for this year, the festival is scheduled on 06.12.2024 and the bullock cart race is scheduled on 07.12.2024. Though the petitioner made a representation on 20.11.2024 to the respondents 3 and 4 in person, to grant permission for conducting bullock cart race and also sent a representation dated 21.11.2024 through registered post, no action has been taken thereon. Hence, this writ petition. Learned counsel would also rely upon the common order passed in *W.P(MD)Nos.2132, 2537 and 3449 of 2024, dated 16.02.2024 [Muruga Ganesan vs. The District Collector, Theni District and others]* and submit that in similar circumstances, this Court has granted permission for conducting bullock cart race and therefore, he prays for allowing the writ petition.

4. Heard the learned counsel appearing for the petitioner and learned Government Pleader appearing for the 1st respondent and the learned Government Advocate (Criminal Side) appearing for the respondents 2 to 4.



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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. Perusal of the common order passed in W.P(MD)Nos.2132, 2537 and 3449 of 2024, dated 16.02.2024, shows that a Co-ordinate Bench of this Court, after considering the detailed report filed by the Superintendent of Police, Theni District, 2nd respondent therein, and the directives of the Hon'ble Supreme Court in Transfer Petition (C) No.68 of 2013, has granted permission to conduct bullock cart race subject to certain conditions. Hence, the petitioner is directed to make a fresh representation to the respondents seeking permission to conduct bullock cart race enclosing a copy of the common order passed in W.P(MD)Nos.



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2132, 2537 and 3449 of 2024, dated 16.02.2024. On receipt of such representation, the respondents shall consider the same in the light of the abovesaid common order dated 16.02.2024 and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all concerned persons, within a period of one week from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
27.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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To

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Madurai.
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3. The Deputy Superintendent of Police,
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Madurai District.
4. The inspector of Police,
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ORDER MADE IN
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DATED : 27.11.2024