

# Dr. Shri Harish vs Union Of India on 19 February, 2024

**Bench: R. Mahadevan, Mohammed Shaffiq**

WP Nos. 33687, 33741,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2024

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN  
and  
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition Nos. 33687, 33741, 33911 and 33914 of 2023  
and  
WMP Nos. 33544, 33584, 33781, 33782, 33786 and 33788 of 2023

Writ Petition No. 33687 of 2023

Dr. Shri Harish

Versus

1. Union of India  
Ministry of Road Transport and Highways  
rep. by its Joint Secretary  
Transport Bhawan  
Parliament Street  
New Delhi - 110 001
2. State of Tamil Nadu  
rep. by its Chief Secretary to Government  
Secretariat, Fort St. George  
Chennai - 600 009
3. The Additional Chief Secretary to Government  
Department of Youth Welfare and Sports Development  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009

<https://www.mhc.tn.gov.in/judis>

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WP Nos. 33687, 33741, 3

4. Sports Development Authority of Tamil Nadu

rep. by its Member Secretary  
Jawaharlal Nehru Stadium  
Raja Muthiah Road  
Periyamet, Chennai - 600 003

5. The General Officer Commanding  
Army Head Quarters  
Dakshin Bharat Area  
Island Grounds  
Chennai - 600 009
6. Greater Chennai Corporation  
rep. by its Commissioner  
Ripon Building  
Chennai - 600 003
7. Chennai Metropolitan Development Authority  
rep. by its Member Secretary  
Thalamuthu Natarajan Maligai  
No.1, Gandhi Irwin Road  
Egmore, Chennai - 600 008
8. Director General of Police  
Dr. Radhakrishnan Salai  
Mylapore, Chennai - 600 004
9. Racing Promotions Private Limited  
No.8/20, Rutland Gate  
4th Street, Nungambakkam  
Chennai - 600 006
10. Federation of Motor Sports Clubs of India  
A-7, Krishna Towers  
50, Sardar Patel Road  
Chennai - 600 113

WP No. 33741 of 2023

J. Louis Raj  
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WP Nos. 33687, 33741,

Versus

1. State of Tamil Nadu  
rep. by its Chief Secretary to Government  
Secretariat, Fort St. George  
Chennai - 600 009
2. The Additional Chief Secretary to Government

Department of Youth Welfare and Sports Development  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009

3. The Sports Development Authority of Tamil Nadu  
rep. by its Member Secretary  
Jawaharlal Nehru Stadium  
Raja Muthiah Road  
Periyamet, Chennai - 600 003
4. The Greater Chennai Corporation  
rep. by its Commissioner  
Ripon Building  
Chennai - 600 003
5. The Chennai Metropolitan Development Authority  
rep. by its Member Secretary  
Thalamuthu Natarajan Maligai  
No.1, Gandhi Irwin Road  
Egmore, Chennai - 600 008
6. The Director General of Police  
Dr. Radhakrishnan Salai  
Mylapore  
Chennai - 600 004
7. The Racing Promotions Private Limited  
No.8/20, Rutland Gate  
4th Street, Nungambakkam  
Chennai - 600 006

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WP Nos. 33687, 33741

8. The Federation of Motor Sports Clubs of India  
represented by its President  
A-25, Krishna Towers  
50, Sardar Patel Road  
Chennai  
Tamil Nadu - 600 113

WP No. 33911 of 2023

R. Maduraiveeran

Versus

1. The Chief Executive Officer/Member Secretary  
Sports Development Authority of Tamil Nadu  
Jawaharlal Nehru Stadium

Raja Muthiah Road  
Periyamet, Chennai - 600 003

2. The Secretary  
Youth Welfare and Sports Development Department  
The Secretariat, Fort St. George  
Chennai - 600 009
3. The Secretary  
Highways Department  
The Secretariat, Fort St. George  
Chennai - 600 009
4. The District Collector  
Chennai District  
Rajaji Salai, George Town  
Chennai - 600 001
5. The Commissioner  
Greater Chennai Corporation  
Ripon Building, EVR Periyar Salai  
Park Town  
Chennai - 600 003

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WP Nos. 33687, 3374

6. The Commissioner of Police  
Greater Chennai Police  
No.132, Commissioner Office Building  
EVK Sampath Road, Vepery  
Chennai - 600 007
7. Racing Promotions Private Limited  
No.8/20, Rutland Gate  
Sriramapuram, Thousand Lights West  
Nungambakkam  
Chennai - 600 006

WP No. 33914 of 2023

A.V. Balusamy

Versus

1. The Secretary  
Youth Welfare and Sports Development Department  
Secretariat, Fort St. George  
Chennai - 600 009

2. The Secretary  
Highways Department  
Secretariat, Fort St. George  
Chennai - 600 009
3. The Chief Executive Officer/Member Secretary  
Sports Development Authority of Tamil Nadu  
Jawaharlal Nehru Stadium  
Raja Muthiah Road  
Periyamet, Chennai - 600 003
4. The District Collector  
Chennai District  
Rajaji Salai, George Town  
Chennai - 600 001

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WP Nos. 33687, 33741, 33911 a

5. The Commissioner of Police  
Greater Chennai Police  
No.132, Commissioner Office Building  
EVK Sampath Road  
Vepery, Chennai - 600 007
6. The Commissioner  
Greater Chennai Corporation  
Ripon Building, EVR Periyar Salai  
Park Town, Chennai - 600 003
7. Racing Promotions Private Limited  
No.8/20, Rutland Gate  
Srirampuram, Thousand Lights West  
Nungambakkam, Chennai - 600 006

.. Respondent

Writ Petition No. 33687 of 2023:- Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 8 from conducting the Formula 4 Indian Championship Formula & Indian Racing League Night Street Race scheduled to be held on 09.12.2023 and 10.12.203 at the Chennai Formula Street Circuit, Island Grounds or at any other place within the Chennai City limits.

Writ Petition No. 33741 of 2023:- Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from conducting the Formula 4 Indian Championship Formula & Indian Racing League Night Street Race scheduled to be held on 08.12.2023 to 10.12.2023 at the Chennai Formula Street Circuit, Island Grounds or at an other place within the Chennai City limits.

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For Petitioner : Mrs. Narmadha Sampath,  
for Mr. S.T. Bharath Gowtham

For Respondents : Mr. Prasad Vijayakumar for R1

Mr. R. Shanmuga Sundaram  
Advocate General  
assisted by Mr. P. Muthukumar  
Government Pleader  
and Ms.A.G.Shakeenaa for RR2, 3 & 7

Mr. Haja Nazirudeen  
Additional Advocate General  
assisted by Mr. Azhaguraman for R4

Mr. D.P.R. Prabhu for R6

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WP Nos. 33687, 33741, 33911 and 33914

Mr. Hassan Mohammed Jinnah  
State Public Prosecutor  
assisted by Mr. R. Muniyapparaj  
Additional Public Prosecutor for R8

Mr. P.R. Raman for R9

WP No. 33741 of 2023

For Petitioner : Mrs. Narmadha Sampath,  
for Mr. S.T. Bharath Gowtham  
For Respondents : Mr. R. Shanmuga Sundaram  
Advocate General  
assisted by Mr. P. Muthukumar  
Government Pleader  
and Ms.A.G.Shakeenaa for RR1, 2 & 5

Mr. Haja Nazirudeen  
Additional Advocate General  
assisted by Mr. Azhaguraman for R3

Mr. D.P.R. Prabhu for R4

Mr. Hassan Mohammed Jinnah  
State Public Prosecutor  
assisted by Mr. R. Muniyapparaj  
Additional Public Prosecutor for R6

Mr. P.R. Raman for R7

WP No. 33911 of 2023

For Petitioner : Ms. Preethika Divedi  
for Mr. S. Tamilselvan  
For Respondents : Mr. R. Shanmuga Sundaram,  
Advocate General  
assisted by Mr. P. Muthukumar  
Government Pleader

<https://www.mhc.tn.gov.in/judis>

and Ms.A.G.Shakeenaa for RR2, 3 & 4

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WP Nos. 33687, 33741, 33911 and 33914

Mr. Haja Nazirudeen  
Additional Advocate General  
assisted by Mr. Azhaguraman for R1

Mr. D.P.R. Prabhu for R5

Mr. Hassan Mohammed Jinnah  
State Public Prosecutor  
assisted by Mr. R. Muniyapparaj  
Additional Public Prosecutor for R6

Mr. P.R. Raman for R7

WP No. 33914 of 2023

For Petitioner : Mr. V. Raghavachari, Senior Advocate  
for Mr. K. Sudhakar

For Respondents : Mr. R. Shanmuga Sundaram,  
Advocate General  
assisted by Mr. P. Muthukumar  
Government Pleader and  
Ms. A. G. Shakeenaa for RR1, 2, 4 and 6

Mr. Haja Nazirudeen  
Additional Advocate General  
assisted by Mr. Azhaguraman for R3

Mr. Hassan Mohammed Jinnah  
State Public Prosecutor  
assisted by Mr. R. Muniyapparaj  
Additional Public Prosecutor for R5

Mr. D.P.R. Prabhu for R6

Mr. P.R. Raman for R7

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WP Nos. 33687, 33741

#### COMMON ORDER

(Order of the Court was made by R. MAHADEVAN, J) In pursuance of the order passed by the Hon'ble Chief Justice on the administrative side on 05.12.2023, this batch of cases was listed before this bench.



2. The challenge made and the grounds raised in all these writ petitions being common, they were heard together and are decided by this common order.

3. All these writ petitions are filed by the respective writ petitioners purportedly in public interest, whereby, the following reliefs have been claimed:

WP. Nos. 33687 and 33741 of 2023 “To issue a Writ of Mandamus forbearing the respondents from conducting the Formula 4 Indian Championship Formula & Indian Racing League Night Street Race scheduled to be held on 09.12.2023 to 10.12.2023 at Chennai Formula Street Circuit, Island Grounds or at any other place within the Chennai City limits.” WP. Nos. 33911 and 33914 of 2023 “To issue a Writ of Certiorarified Mandamus calling for the records relating to the Press Release dated 02.11.2023, quash the same and consequently restrain the respondents from taking any further action to conduct the Chennai Racing Circuit from December 8 to 10, 2023 in the areas as delineated in the impugned Press Release and further direct the <https://www.mhc.tn.gov.in/judis> respondents to conduct the race proposed to be held in the Chennai Racing WP Nos. 33687, 33741, 33911 and 33914 of 2023 Circuit from December 8 to 10, 2023 in the official Madras International Circuit.”

4. Though at the first blush, the issue involved in this batch of writ petitions, may appear to have become infructuous, it is not so, for the reasons assigned infra.

5. As per the impugned press release dated 02.11.2023, the Formula 4 Indian Championship Formula & Indian Racing League Night Street Race was scheduled to take place from 08.12.2023 to 10.12.2023 at Island Grounds, within the limits of Chennai. Due to the unprecedented rains as a fall out of Michaung Cyclone, the said event could not be conducted as scheduled. However, it was represented on the side of the respondent authorities that the State Government has taken a very firm stance to conduct the event sometime during the June, 2024. In such perspective of the matter, it cannot be said that the issue involved in this batch of writ petitions has become infructuous. Therefore, this bench had to hear the learned counsel on either side and decide the matters on merits.

6. Before proceeding further, the brief facts commonly involved in all these writ petitions as projected by the petitioners, are narrated hereunder:

6.1. The Formula 4 (F4) Indian Championship is a motorsport series of races in India sponsored by Racing Promotions Private Limited (in short, <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 “RPPL”) in collaboration with the State Governments. The F4 Indian Championship - Indian Racing League is being conducted in India for the first time in the year 2023 at Hyderabad International Circuit, Buddh International Circuit at Greater Noida, Madras International Circuit at Irungattukottai and Chennai Formula Racing Circuit (Street). The said event will have 12 drivers -

Indian and International and 24 drivers in the Indian Racing League, which is a franchise-based motorsports league. The drivers from across the world such as, UK, Switzerland, Australia, Malaysia and South Africa, are expected to participate in this event.

6.2. Earlier, between 29.10.2023 and 10.12.2023, the F4 championship was conducted in MIC, Chennai; Hyderabad St Circuit; BIC, Greater Noida; and Chennai Formula Racing Circuit. While the initial races were to be conducted at Madras International Circuit at Irungattukottai near Chennai, Round 5 was slated to take place on 09.12.2023 and 10.12.2023 near the Island Grounds in the heart of the city. In this regard, a press release was issued by the Government of Tamil Nadu on 02.11.2023, indicating that Formula Racing Circuit (Chennai Racing Circuit) will be held from 8th to 10th December in Chennai, the heart of the city. As per the same, Round 5 was scheduled to be held as a Street Race around the Island Grounds in Chennai <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 enroute Flag Staff Road, Anna Salai, Swami Sivananda Salai, Napier Bridge and Kamarajar Salai spanning a 3.7 kilometer circuit, which are the places of importance. These roads are frequently used by the general public to reach Rajiv Gandhi Government General Hospital, Central Railway Station, Madras Medical College, Omandurar Government Multi-Speciality Hospital, Chennai Port and High Court. Thus, cordoning off these arterial roads would result in acute inconvenience to the general public and it may throw the movement of traffic out of gear. That apart, the Flag Staff Road and the roads surrounding it, are entirely an army area, where restrictions are in place round the clock. Without considering all these factors, the respondent authorities have decided to conduct the event.

6.3. For conducting the race, a Memorandum of Understanding (MoU) has been entered into between the Department of Youth Welfare and Sports Development represented by its Minister on behalf of the State of Tamil Nadu and the RPPL for three years. Further, the State Government will fund Rs.42 crores and the RPPL will invest Rs.200 crores. According to the petitioners, the MoU was executed without following the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 and the Rules made thereof.

6.4. It is further stated that for conducting the event, the Sports Development Authority of Tamil Nadu (SDAT) had tied up with the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 authorities of Chennai Corporation and Chennai Metropolitan Development Authority (CMDA) to take up the work of transforming the roads into a racing track by removing the centre medians, street lights, pavements and drains so as to ensure that the roads are made fit for racing. Further, temporary concrete are likely to be placed on either side of the road by spending huge sums of money for this event, when the road safety of the motorists in the State is already challenging with poor road conditions and lighting facility. Also, temporary sheds are planned to be erected to house the spectators viewing galleries at 11 locations to accommodate 10,000 people, besides steel galleries with 200 to 500 seat capacity each at sharp turns and long stretches on Anna Salai, Munro statue, Periyar statue and Sivananda Salai. Such viewing galleries, according to the petitioners, are to be erected in the Island grounds, without adherence to any safety measures in place by compromising the safety of the general public. In any event, there was no public consultation or public opinion sought for by the Government for conducting the race nor was there any public demand. The idea of conducting a dangerous sport in public road, which otherwise was

well maintained and used by prominent personalities as well as general public, is indicative of the abuse of the discretionary power vested with the Government.

6.5. That apart, the FIA-homologated Gen 2 Mygale F4 cars that were used in the French racing championship, are to be used in this event, which are <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 powered by Alpine Renault 1.3 litre turbocharged engine and they are capable of being driven at a speed of above 220 kmph. Such high speed cars, if permitted to be plied inside the city roads, would pose grave threat and risk to the general public. The maximum speed limit for motor vehicles even on expressway is 120 kmph. Therefore, if these turbocharged engine fitted cars are run at a speed of above 220 kmph, it would cause severe noise pollution much to the chagrin of the patients in the Omandurar Government Multi- Speciality Hospital and to the residents in and around the locality. Even if the race is conducted at night, it would severely affect the patients in the hospital due to huge noise that emanate from these cars at 120 db and above. That apart, the formula cars are loud enough to potentially cause hearing loss. Even the spectators have to wear both ear plugs and earmuffs to enjoy the spectacle of the racing at a safe noise levels. As per Rule 3 (5) of the Noise Pollution (Regulation and Control) Rules, 2000, an area comprising not less than 100 meters around hospitals, educational institutions and courts, must be declared as silence area/zone. While so, the event cannot be allowed to be conducted in the route proposed by the respondents.

6.6. It is also stated that under Article 21 of the Constitution of India, right to safe and accident free roads is one of the legitimate rights of every citizen of this Country and the Government is bound to protect such right. <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 Unmindful of such a right, the respondents have organized the Street race in the City of Chennai. As per Section 112 of the Motor Vehicles Act, 1988, the limits of speed are specified and the State Government has also issued guidelines to maintain the speed limit of 60 kilometer per hour for light motor vehicles, 50 kilometer per hour for heavy motor vehicles and 40 kilometer per hour for auto rickshaws. At the same time, Sections 183 and 184 of the Motor Vehicles Act, 1988, prohibit driving vehicles at excessive speed than the one prescribed under Section 112. Thus, the conduct of the event is in gross violation of Section 112 of the Motor Vehicles Act, 1988.

6.7. Yet another grievance expressed by the petitioner in WP No.33741 of 2023 is that Napier Bridge is a 154 year old in which more than 15 racing cars having a weight of 535 kg each is proposed to pass through at a speed of 200 kilometer per hour. Such a 150 year old bridge used for the event raise concerns about the safety of the drivers and the general public in the event of any unfortunate incident. Further, the respondents have not taken any measures to preserve the age old traditional bridge located in the heart of the city or made any scientific assessment about its safety for being used in the event. In this regard, the petitioner submitted a representation dated 27.11.2023 to the respondents and called upon them to abandon the plan to <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 conduct the event and shift it to Madras International Circuit, Irungattukottai and the same is pending without any consideration.

6.8. According to the petitioners, an International Circuit is readily available at Irungattukottai, Sriperumbadur, and is a permanent motor racing circuit located in the outskirts of the City, where

the event can very well be conducted. On the other hand, the conduct of the event within the city limits, would cause damage to the existing public roads and huge traffic congestion. Therefore, the present attempt to convert the heart of the city into a full- fledged racing track is nothing but to gain publicity at the cost of the convenience and comfort of the citizens of this State.

6.9. It is further averred that the Street Circuit Race was originally proposed to be conducted at Hyderabad on 4th and 5th November 2023, but the State Police did not accord permission. Since the car racing event could not be conducted in Hyderabad, it was scheduled to be conducted in Chennai. For this event, a whopping sum of Rs.42 crores was allotted by the SDAT as could be evident from the Press Release dated 02.11.2023. The Formula 1, Formula 2, Formula 3 and Formula 4 are expensive sports, which require several crores of rupees to be spent for racing cars, drivers, safety equipment, licence expenses and other allied expenses. The State, which is already reeling under difficult financial situation, is expected to take measures to augment the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 financial resources, but is planned to spend huge sum in favour of a private company under the garb of promoting a sport event. Even though a discretion is vested with the Government to spend funds for an event of this nature, they cannot act as per their whims and fancies to spend public money. The Government's debt burden has grown in recent years, however, several crores of rupees is sought to be exchanged in the pockets of private company without any reason.

6.10. According to the petitioners, the Corporation of Chennai increased the tax payable by the public such as property tax, water tax, sewerage tax. Similarly, the State Government has increased the prices of essential commodities by reasoning that the cash inflow is very weak. However, unmindful of such cash crunch, so many crores of public funds are sought to be spent on a private extravaganza to appease a private company. As a guardian of public funds, the Government has to exercise abundant caution in according approval for spending the taxpayer's money. It is settled law that public interest will always outweigh private interest. When the Government failed to adhere to fiscal measures and spend public money in a manner they choose, interference of this Court is warranted. Therefore, these writ petitions came to be filed by the petitioners as public interest litigations. <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023

7. Apart from the averments made in the writ petitions, Mr. V. Raghavachari, learned senior counsel appearing for the petitioner in WP No.33914 of 2023 submitted that the beneficiary of this event is a private party, for whose favour, funds from the public coffers are pumped out much to the chagrin of the citizens of this State. Therefore, the question that arises for consideration is, whether a State action of this nature passes the muster under our constitutional scheme of things. In order to lend support to this contention, the learned Senior counsel placed reliance on the following decisions of the Honourable Supreme Court:

(i) Ram and Shyam Co. v. State of Haryana [AIR 1985 SC 1147]:

"....Let us put into focus the clearly demarcated approach that distinguishes the use and disposal of private property and socialist property. Owner of private property may deal with it in any manner he likes without causing injury to any one else. But

the socialist or if that word is jarring to some, the community or further the public property has to be dealt with for public purpose and in public interest. The marked difference lies in this that while the owner of private property may have a number of considerations which may permit him to dispose of his property for a song. On the other hand, disposal of public property partakes the character of a trust in that in its disposal there should be nothing hanky panky and that it must be done at the best price so that larger revenue coming into the coffers of the State administration would serve public purpose viz. the welfare State may be able to expand its beneficent activities by the availability of larger funds....."

(ii)Yerneni Raja Ramchandrar vs. State of Andhra Pradesh [(2009) 15 SCC 604]:

"State is the protector of law and when it deals with public fund, it must act in terms of the established procedures contemplated under law and the doctrine of public trust would be applicable." <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023

(iii)Common Cause v. Union of India [(2014) 6 SCC]:

"The Government cannot act in a manner which would benefit a private party at the cost of the State. Such an action would be both unreasonable and contrary to public interest."

(iv)Kasturi Lal Lakshmi Reddy v. State of J & K [(1980) 4 SCC 1]:

"14. Where any governmental action fails to satisfy the test of reasonableness and public interest discussed above and is found to be wanting in the quality of reasonableness or lacking in the element of public interest, it would be liable to be struck down as invalid. It must follow as a necessary corollary from this proposition that the Government cannot act in a manner which would benefit a private party at the cost of the State; such an action would be both unreasonable and contrary to public interest." The learned Senior counsel therefore submitted that the State has to act like a trustee and custodian of public funds. In matters relating to expenditure of public funds, regard shall be had to constitutional obligations attached thereto. The public funds cannot be permitted to be utilised for certain political personages at their whims and fancies so as to enable a private party to gain.

7.1. Turning to the ecological damage the proposed event would cause, the learned Senior counsel appearing for the petitioner submitted that formula cars have high performance engines fuelled by gasoline, which emits fossil fuels in huge and produce a large carbon footprint. This pattern of sports is criticised by eminent environmentalists having concern towards the ecology <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 and even the drivers. The reason being roaring engines and the glitz of the paddock

lies significant environmental challenges that Formula sports are yet to tackle. Formula 4 cars travel at a speed ranging from 230 to 265 kilometer per hour. Notwithstanding the safety or warning boards, it is incredibly dangerous for the drivers to race in a city, which had witnessed heavy rain fall recently, due to which the visibility for the drivers will be poorer. The street circuit is situated dangerously close to the river Coovam and even a small technical error could result in a major mishap jeopardising the lives of the participants as well as innocent onlookers. Therefore, the Government must make fervent attempts to ensure that environment is protected by all means by not conducting the event within the city scape. On the other hand, the Government is attempting to enrich an individual or an organisation at the cost of the tax payer's money by conducting the event and the same is thus in violation of Articles 48A and 51-A (g) of the Constitution of India.

7.2. The learned Senior counsel appearing for the petitioner also submitted that the roads in and around the City of Chennai are not fit enough for conducting formula 4 race. The argument that thrilling experience would be gained in the race and it would attract youngsters, is a myth and certainly do not satisfy the requirements of law. It may only encourage adrenaline filled youngsters to take to the streets and race illegally much to the detriment of the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 other motor riders. A minimal error during the race or flipping of a car would be disastrous to the drivers as well as the onlookers. Above all, the Formula 4 event is an expensive sport that demand money for racing cars, drivers, safety, licence and infrastructural expenses and those who participate in such events, will not be economically disadvantaged people. It is not indigenous sport like cricket or football, which will be free to give access to everyone. On the other hand, this event is a privileged one intended to be viewed only by those who are affluent.

7.3. Referring to the decision of the Honourable Supreme Court in *Omkar Lal Bajaj v. Union of India* [(2003) 2 SCC 673], it is submitted by the learned Senior Counsel for the petitioner that transparency in governance demands decisions taken by adopting fairplay, equity, good conscience and justice. The cardinal principle of governance in a civilized society has to be based on transparency motivated by strong moral principles, honesty and decency. A decision of the government should not be shrouded by secrecy and it would run counter to the directive principles of the State. If the State assumes power beyond their legislative competence, judicial interference is warranted.

7.4. The learned Senior counsel for the petitioner also submitted that public funds are spent for the benefit of private persons and it is contrary to <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 Article 282 of the Constitution of India. To buttress this submission, reference was made to the decisions in *Bhim Singh v. Union of India* [(2010) 5 SCC 538]; *Kasturi Lal Lakshmi Reddy v. State of J and K* [(1980) 4 SCC 1] and *Sukhdev Singh v.*

Bhagatram Sardar Singh Raghavanshi and another [(1975) 1 SCC 421] wherein it was held by the Honourable Supreme Court that public authority is a body which has a public or statutory duties to be performed for the benefit of public and not for profit. In the present case, according to the learned Senior counsel, the amenity funds allocated to Chennai Metropolitan Development Authority, which was sanctioned under the Tamil Nadu Town and Country Planning Act and Rules made thereunder for the welfare of the general public, are sought to be spent to the tune of Rs.42 crores for a private event and it smacks with arbitrariness, whimsical and beyond the competence of the legislative power of the State. If a decision of the State is unreasonable and lacks sensibility, such decision has to be quashed through judicial review.

7.5. Asserting that every action of the Government must be free from arbitrariness which is the essence of Rule of Law, the learned Senior counsel for the petitioner placed reliance on the decisions in *V. Punnann Thomas v. The State of Kerala* [AIR 1969 Kerala 81] as well as *Akhil Bharatiya Upbhoka Congress v. State of Madhya Pradesh* [(2011) 5 SCC 29] and <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 submitted that the Government is not and should not be as free as an individual in selecting the recipients for its largesse. Whatever activity the Government does, it must be subjected to restrictions and it cannot act according to its whims and fancies like a private individual. The State must distribute its largesse in a fair and equitable manner and there must not be any element of favouritism or nepotism. The agreement so executed with the private entity, causes no benefit to the Government and it is done entirely to enrich private individual, who in turn will fill the pockets of the Government servants.

7.6. By placing reliance on the decision of the Honourable Supreme Court in *State of Odisha vs. Pratima Mohanty* [(2021) SCC OnLine SC 1212], the learned Senior counsel submitted that a democratic government, in exercise of its discretion, selects the recipients for its largesse. The discretion in that regard should be exercised objectively, rationally and in a non-arbitrary manner. In this case, the RPPL was founded in 2018 and it claims to be an expert in the field of racing formula 4 which is basically unfounded. There is also no material placed before the Government or this Court that there was an analytical examination of the credentials of the RPPL by experts. Thus, the State is funding a private body and the money that flows therefrom in the form of advertisements, satellite broadcasting, endorsements, sponsorship etc., <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 benefit the company and the costly and inaccessible sport does not stand to gain, as has been projected by the State Government.

7.7. Referring to the decisions in *B.R. Kapur v. State of Tamil Nadu* [(2001) 7 SCC 23] and *Manoj Narula v. Union of India* [(2014) 9 SCC 1], it is submitted by the learned Senior counsel that basic norms for holding a public office include within itself constitutional morality, good governance and constitutional trust. On the contrary, in

the present case, according to the learned Senior counsel, it is apparent that the respondents are functioning while being blissfully unaware of these fundamental constitutional tenets. In fact, even after receipt of notice from this Court, the respondents are carrying on the work of conducting the event. According to the learned Senior counsel, the City is without electricity, water and basic necessities. However, the officials of the Corporation are oblivious to the fact that the roads apart from being blocked, are permitting the traffic to be chocked. The entire Sivananda Salai is dug on one side and incapable of being used. Thus, the action of the respondents in not checking the user of public funds discreetly and appropriately has compelled the petitioner to approach this Court to issue appropriate directions to the respondents to restrain themselves from conducting the event as scheduled.

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8. Elaborating further, Mrs. Narmadha Sampath, learned counsel appearing for the petitioners in WP Nos. 33687 and 33741 of 2023 would contend that conducting the event at a huge cost of Rs.242 crores would cause severe financial burden on the State exchequer and also on the general public. The respondents are unnecessarily spending on the preparation of the circuit by converting the existing city roads into a full-fledged racing track at huge cost, when already an international circuit is available in the outskirts of the City at Irungattukottai, Chennai. The area surrounding the Island Grounds on the Flag Staff Road and Anna Salai is entirely an army area. As such, the conduct of the event therein ought to have been avoided by the authorities. The respondents imposed speed restrictions to the general public to drive the vehicles in the arterial roads of Chennai. However, by breaching the speed limits, the event is sought to be conducted, where the vehicles will zip fast at a speed of 220 kilometer per hour. If the vehicles run at such a high speed, the noise level will be upto 120 dB, which would complicate the health status of the patients accommodated in the Omandurar Multi Speciality Hospital abutting Sivananda Salai, which is in close proximity to the racing track. Further, if the racing cars weighing 535 kilogram each will pass through the age old Napier bridge at 200 kilometer per hour, it will exert down force and it makes the car weighing two times the original weight at such high speed. In <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 such event, irreparable structural damage will be caused to the historically significant bridge located in the heart of the City. That apart, the RPPL did not take note of the fact that the Street Circuit has low grip and is bumpy. Since the Marina Beach is closely located, the sand from the beach carried by wind would further reduce the grip, which may put the competitors at risk and it will in turn affect the spectators. Thus, the respondents failed to foresee that the conduct of the event will invite an untoward incident jeopardising the safety of the participants as well as the spectators of the event.

9. Continuing further, Ms. Preethika Divedi, learned counsel for the petitioner in W.P.No.33911 of 2023 contended that the disbursement of Rs. 15 crores initially for



the Chennai Racing Circuit event is unjustifiable. According to the learned counsel, the racing track is being constructed on the existing public roads and it raises doubt about its adherence to international standards, which typically require a flat and 13 meters wide track for conducting the event. Furthermore, the government's choice of conducting the Formula Racing Circuit in Flag Staff Road, Kamarajar Promenade, Swami Sivananda Salai and Anna Salai, which are key access routes to vital institutions, such as, hospitals, High Court and State Secretariat would undoubtedly cause significant inconvenience and traffic congestion in the arterial roads in the City. Therefore, it is demonstrated that the proposed racing circuit, by removing the existing Highway Road, will result in a substantial loss to public property and inconvenience to the general public. The learned counsel also submitted that concerns are raised about the impact on hospitals, with the possibility of restricted access during the event and noise levels causing disturbance to patients and unmindful of the same, the event is proposed to be conducted by the respondents. According to the learned counsel, the government's expenditure on forming a racing circuit by damaging existing public roads is unwarranted, especially when roads in Chennai are already in poor condition and require significant repair. The potential impact on the Chennai Metro Rail structure due to vibrations caused by racing cars, is also a cause for concern. The learned counsel also submitted that the respondents removed old trees with a view to create a pit without any justification and it violates the right to environment under Article 21 of the Constitution of India. In any event, when an alternate site - Madras International Circuit, is available, conducting the event on city roads, cannot be considered as justifiable. The government is promoting street racing through the organized event, and thereby potentially encouraging irresponsible behavior among motor-vehicle enthusiasts. The learned counsel therefore prayed for issuing appropriate direction to the respondents not to conduct the event within the City, as scheduled.

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10. Opposing the reliefs sought in the writ petitions, Mr. Shanmuga Sundaram, learned Advocate General appearing for the respondent authorities would contend that the writ petitions are not maintainable as the Formula 4 Indian Championship Indian Racing League Night Race was proposed to be conducted after obtaining necessary permissions and clearance from various departments, such as, Health and Family Welfare Department, Police Department, Transport Department, Greater Chennai Corporation, Highways Department, Public Works Department, Tourism Department as well as Chennai Metropolitan Development Authority. As the proposed street race was to be held around Island Grounds, Flag Staff Road and the offices of the Indian Army and Indian Navy are also situated in the locality, The Lieutenant General, Col. Malay Kant and Comm. Nirmal Kumar, Commodore, Naval Office-in-Charge (Tamil Nadu) were consulted. They had extended their fullest support to conduct the Street race in the proposed 3.7 kilometer road. Their only

request was to ensure smooth movement of their officers and family members by providing an alternative way and it was also provided by the Greater Chennai Traffic Police. The learned Advocate General has also invited the attention of this Court to the No Objection letters issued by the various stakeholders and contended that the State Government has followed all the established procedures under law before conducting the event. Further, the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 Member Secretary, Sports Development Authority of Tamil Nadu had obtained No Objection Certificate based on the directions of this Court on 30.11.2023 from the Indian Army, the Indian Navy, The Indian Coast Guard and The Chennai Port Authority and produced the copies of the same in the form of a typed set of papers.

10.1. The learned Advocate General appearing for the respondent authorities submitted that the intention behind the conduct of the Street race is to bring the Formula Car Racing Sport to the people in order to inspire and encourage the youngsters to get trained themselves through the proper channel so that they could become an international or national racer to uphold the glory of the State in National and International Sporting arena.

10.2. With respect to the MoU with the RPPL, it is submitted by the Advocate General appearing for the respondent authorities that the Member Secretary, Sports Development Authority of Tamil Nadu is the authorised authority to enter into such an Understanding, especially, when necessary administrative and financial sanction was accorded vide G.O. Ms. No.70, Youth Welfare and Sports Development (S2) Department dated 06.10.2023. Such a MoU is necessary because the RPPL is the only licence holder to hold the F4 Indian Championship Formula 4, which is accredited by the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 International Governing Body of Motorsports i.e., Federation Internationale de l'Automobile. According to the learned Advocate General, the State has sanctioned Rs.42 crores for obtaining license and operating fee, including laying of roads and creation of other infrastructure. The expenditure will be reduced to Rs.15 crores in the upcoming two years for holding the Street Circuit in Chennai. The sum of Rs.15 crores was sanctioned by the Chennai Metropolitan Authority as per Section 64 (3) (c) read with Section 2 (13) of the State Town and Country Planning Development Fund.

10.3. The learned Advocate General also submitted that recreation becomes an essential part of life in any civilized society. It is an activity which people can pursue for relaxation, personal enjoyment, entertainment during their leisure time to get a break from their routine and busy work. In an urban environment, such a recreation have to be provided to all groups of population. In effect, sport is an essential requirement for the development of an individual's personality and conducting an event of this nature to benefit the sports personalities cannot be given a different colour by the petitioners by filing the present writ petitions.

10.4. Referring to the bye law of the Sports Development Authority of India, it is submitted by the learned Advocate General that the composition of authorities comprises of high dignitaries including the Chief Minister of the State as its President. All the committee members have been duly consulted before deciding to host the Formula 4 Street Race to promote sporting activities and encourage youngsters and it cannot be called in question by the petitioners herein as if the procedures precedent for conducting the event have not been followed by the respondents.

10.5. Placing reliance on the Noise Pollution (Regulation and Control) Rules, 2000, it is submitted by the learned Advocate General that there is no violation of Rule 3 (5) which deals with "Ambient Air quality standards in respect of noise for different areas/zones". As per the said Rule, an area comprising not less than 100 meters around hospital, educational institutions and courts may be declared as silence area/zone for the purpose of the said Rules. By a letter dated 30.11.2023 of the Director of Tamil Nadu Government Multi Speciality Hospital, it was clarified that the distance between the causality of the hospital and the race track is 200 meter and therefore, it is above 100 meter as specified in Rule 3 (5). Further, by reason of conduct of the event, there may not be any obstruction to the ingress and egress of the hospital. Additionally, sound cutters are installed at smaller distance to reduce the sound that might arise during the event. Thus, no inconvenience will be caused to attend the emergency cases of the patients who come to the hospital. In any event, the patients, who are already examined and screened in another hospital alone, are referred to Omandurar Multi Speciality Hospital and the question of causing inconvenience to the patients will not arise, as apprehended by the petitioners.

10.6. With respect to the speed limit, the learned Advocate General submitted that there is no such violation as the speed limit is maintained as per the notification dated 06.04.2018. The notification is in relation to maximum speed limit per hour for carriage of passengers only. Therefore, the said notification will not be applicable for conduct of street racing circuit. As per the Motor Vehicles Act, 1988, the Commissioner of Transport/Road Safety Commissioner has sought for exemption from the Principal Secretary to Government, Home Department under Rule 417 (a) of the Tamil Nadu Motor Vehicles Rules and an order was passed in exercise of powers under Sections 28, 38, 65, 95, 107, 311 and 138 read with Section 211 of the Motor Vehicles Act. Further, the Deputy Secretary, Youth Welfare and Sports Development, by letter dated 07.12.2023 addressed to the Transport Commissioner as well as Commissioner of Police requested for Speed Limit Relaxation for the days during which the Formula 4 Street Race event is to be conducted. After examining the said request, the Additional Commissioner of Police, Traffic, by a letter dated 17.11.2023 suggested diversion of roads and to ensure free flow

<https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 of traffic during the event. The Commissioner of Greater Chennai Police as well as the Greater Chennai Corporation have accorded permission to conduct the event with conditions that the participants shall not deviate from the permitted route of the event.

10.7. With respect to the allegation that due to traffic diversion, inconvenience will be caused to the general public, the learned Advocate General submitted that during the construction phase of roads, there were certain diversion, more particularly for heavy vehicles to enter into the partially closed roads. However, every effort will be taken to avoid inconvenience caused to the general public and none of the roads will be fully closed or blocked during the street race. The Additional Commissioner of Police, through his letter dated 25.11.2023 has proposed 7 diversion of roads and parking arrangements to facilitate free flow of traffic. The Greater Chennai Police in co-ordination with the Greater Chennai Traffic Police has also taken earnest efforts to facilitate the smooth flow of traffic during the event to mitigate the inconvenience that may be caused to the general public.

10.8. The learned Advocate General further pointed out that Chennai is called the 'Detroit of Asia' and is home to established brands of cars like Hyundai, Renault Nissan, Mahindra, Yamaha, Bharat Benz, etc. To support <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 these brands, thousands of ancillary units are functioning in and around Chennai and in other parts of the State. Chennai, being a better placed city in the field of motorsports, will see a much bigger impetus to the local economy to generate significant inward investment and global branding of the city. The international visitors, including fans, teams, sponsors and media personnel would throng the City to witness the spectacular Formula 4 races. They spend money on accommodation, food, transportation, souvenirs and other local goods and services, which in turn would enable the State to boost the fiscal economy. Singapore had been the beneficiary of fiscal economy to the tune of Rs.8300 crore in tourism every year by reason of hosting Formula 1 for a mere three days. Further, the conduct of this event would enhance the infrastructure development in the State, such as, roads, transportation networks and event venues. These developments can have long term benefits of the city as they will continue to exist for the beneficial use of the public after the conclusion of event. The event can also be a major boost for hotel and restaurant industry as well as transportation industry by reason of renting hotels, taxis and public transportation. That apart, temporary jobs will be created for the event by appointing staff, security personnel, hospitality workers, etc. The event would provide a platform for international exposure on the international sports map. The exposure can attract international events, business, investments and <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 collaborations contributing to the city's global profile. Being a night race, Chennai will be amongst only 5 cities next to Singapore, Jeddah, Las Vegas and Bahrain in the

world to host a formula night race. One of the noteworthy outcomes of the event, according to the learned Advocate General, will be the tapping of local talent in the field of motorsports. Aspiring drivers, mechanics, engineers and event management professionals will find inspiration in the event leading to a growth in interest and participation in motorsport related careers. Chennai being the hotbed of Indian racing talent, has to avail this opportunity to create a platform to horn the home talent to compete with the best around the world. Unmindful of these opportunities in conduct of the event, the petitioners have filed these writ petitions and portrayed as if inconvenience will be caused to the general public. Even the inconvenience, if any caused, will be minimal for a few days during the conduct of the event in the night hours. Therefore, it is submitted that the writ petitions are devoid of any merits and they deserve to be dismissed.

10.9. The learned Advocate General also proceeded to contend that the Government of Tamil Nadu has taken a policy decision to host the Formula 4 Street race in the city limits with the avowed object of luring the youngsters into the new kind of sports and to excel themselves in such a field. While so, such a policy decision of the Government need not be subjected to judicial <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 review by this Court. The learned Advocate General placed reliance on the decisions of the Honourable Supreme Court in *Federation Haji PTOs of India v. Union of India* [(2020) 18 SCC 527] and *State of Tamil Nadu v. National South Indian River Interlinking Agriculturists Association* [(2021) 15 SCC 534] and submitted that a policy decision taken by the Government to host the Formula 4 racing by adhering to all safety measures and putting in place all necessary infrastructure to safeguard the viewers as well as participants, need not be interfered with by this Court.

11. Adding further, Mr. P.R. Raman, learned senior counsel appearing for one of the contesting respondents namely RPPL submitted that the company is organising and promoting motor sports. The street race, as a concept, was introduced for the first time in Hyderabad, India by this company during the year 2018 under a contract with the State of Telengana. Riding on such experience, the company obtained exclusive licence to conduct Formula 4 Street racing from Sports Development Authority of Tamil Nadu. The representatives of the company also held negotiations with the officials of the Government and entered into a Memorandum of Understanding on 16.08.2023. As per the MoU, the company has to spend more than Rs.200 crores for this event this year alone. The company, for the purpose of <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 conducting this event, had generated the amount through loans and advances made by the promoters. In order to ensure the safety of the participants and others concerned, a comprehensive insurance policy was taken. The entire track of 3.7 kilometers was secured with Federation International De l'Automobile (FIA) prescribed standard of safety.

11.1. As regards the allegation that public money of the government is unnecessarily spent, it is submitted by the learned senior counsel that the funds of the government are spent judiciously considering the policy and intent of the government to encourage and further the concept of international sporting. As a policy decision was taken by the Government to permit the company to conduct the event, such a decision need not be interfered with by this Court and the averments raised by the respective petitioner will not stand the test of judicial scrutiny. Before conducting the event, permission and clearances have also been obtained from Navy, Army and Port Trust. Assuming that any inconvenience is caused to the general public, it will be only for few hours during the 3 days event. By conducting an event of this magnitude, the City would only remain as a pioneer in a sport, which is currently held across the world in a hardly handful countries. Hitherto, the races held in the City of Hyderabad had gained revenue of more than Rs.650 crores to the coffers of the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 exchequer as it attracted 31,000 people with majority of 59% coming from outside the State. In any event, investing in sporting events and infrastructure relating to such sports, as a policy of any State Government, would not be confined to revenue generation alone.

11.2. According to the learned senior counsel, the present attempt of the petitioners to file these writ petitions styled as public interest litigations is an abuse of process of law and to settle political scores. This could be evident from the fact that the petitioner in WP No. 33911 of 2023 went to the media to criticise the MoU entered into between the Sports Development Authority of Tamil Nadu and the RPPL. On the one hand, the petitioners complain that by reason of the conduct of the event, huge traffic pile up will be witnessed ignoring the fact that every year cricket matches are conducted in Chepauk Cricket Stadium which garners huge audience and causes traffic snarls and inconvenience to the general public. Similarly, the city is a place where there are political rallies and meetings held which would inevitably throw traffic out of gear. It is further stated that the Street race was proposed to be conducted in a safe and controlled environment. The event would see participants from international arena and would attract huge revenue for the government through tourism. A few hours of so called inconvenience may not be a ground for the petitioners to oppose the event as a whole. It is needless to point out that the <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 State cannot conduct a F4 Street Circuit race through any other agency other than the RPPL and therefore, this is not a case where it could be said that RPPL was handpicked by the State Government from a list of candidates without following any procedure. Above all, sport is a State subject under List II, Entry 33 of the Constitution of India. It is for the Government to decide the manner in which the event could be conducted by taking a policy decision. Such policy decision cannot be the subject matter of judicial scrutiny by this Court under Article 226 of the Constitution of India. Therefore, the learned senior counsel prayed for dismissal of the writ petitions.

12. By way of reply, the learned Senior counsel appearing for the petitioner in WP.No.33687 of 2023 submitted that the present writ petitions are very well maintainable. The governmental actions must be done in pursuance of public interest and if it does not satisfy the test of reasonableness, a public interest litigation is maintainable. The concept of reasonableness finds its positive manifestation and expressions in the lofty ideals of social and economic justice, which inspires and animates the directive principles of State policy as has been held by the Honourable Supreme Court in *Kasturi Lal Lakshmi Reddy v. State of Jammu and Kashmir* [(1980) 4 SCC 1]. The concept of reasonableness runs through the totality of Article 19 and requires <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 that the restrictions on the people's freedom must be reasonable in order for it to be permissible. When roads are blocked and free passage of transport is obstructed, it will be an infraction of the fundamental rights guaranteed to the citizens under Articles 19 and 21 of the Constitution of India and therefore, it must be protected by this Court.

13. We have also heard the learned counsel appearing for the other respondents and perused the materials placed.

14. There cannot be any doubt that the element of public interest looms large in the instant writ petitions, and hence, at the outset, they are being considered as public interest litigations. The argument that these writ petitions are misconceived as PILs and filed with ulterior motives or for extraneous considerations, is hereby summarily rejected. On the contrary, this Court feels that these writ petitions raise certain very crucial issues for consideration.

15. The primary contention of the learned counsel for the petitioners is that the racing sport of F4 Indian Championship Formula 4 Chennai Circuit Race has not only been approved and permitted by the State Government, but <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 also been facilitated by it by making elaborate arrangements that also involve spending of a whopping sum of Rs.42 crores from the state exchequer in favour of a private entity, albeit with the intent of encouraging and promoting interest in motorsport, particularly racing.

16. While so, it was submitted on the side of the petitioners that motor racing is not a sport, instead an entertainment and thus, the State cannot promote the same much less using public funds. We cannot accept the same, as it overlooks the fact that Entry 33 of list II of the Seventh Schedule to the Constitution, which demarcates the fields of legislation, provides for sport. It is trite law that legislative entries must receive a wide and liberal interpretation in view of the fact that the words in the entry are intended to cover vast and plenary powers [See: *Second Gift Officer v. D.H.Hazareth*, AIR 1970 SCC 999]. The entries should receive full effect and ought not to be cut down by placing a restricted or narrow meaning [See: *Barua H.P. v. State of Assam*,

AIR 1955 Assam 249, 265]. Here, one cannot but remember the words of Chief Justice John Marshall of the U. S. Supreme Court in the case of *McCulloch v. Maryland* [17 U.S. 316 (1819)], in which, what can be referred to as the watershed moment for the Constitution of the United States. While dealing with the extent of federal power to establish a bank, interpreting the legislative powers enumerated in the Constitution, it was observed that any restrictive term in the Constitution must not prevent its receiving a fair and just interpretation, while famously holding – “....we must never forget that it is a Constitution we are expounding”. The following paragraph of the said illustrious judgment is extracted for useful reference:

“Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of Confederation, excludes incidental or implied powers; and which requires that everything granted shall be expressly and minutely described. Even the 10th Amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, amidst the word “expressly”, and declares only that the powers “not delegated to the United States, nor prohibited the States, are reserved to the states or to the people”; thus leaving the question, whether the particular power which may become the subject of contest has been delegated to the one government, or prohibited to the other, to depend on a fair construction of the whole instrument. The men who drew an adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the articles of Confederation, and probably omitted it to avoid those embarrassments. A Constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and would scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires, that only its great outline should be marked, its important subjects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution, is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations, found in the ninth section of the 1st article, introduced? It is also, in some degree warranted by their having omitted to use restrictive term which might prevent its receiving a fair and just interpretation in considering this question, then, we must never forget that it is a Constitution we are expounding.

Although, among the enumerated powers of the government, we do not find the word “bank” or “incorporation”, we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct of war; and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the https://www.mhc.tn.gov.in/judis WP Nos. 33687,



33741, 33911 and 33914 of 2023 industry of the nation, are entrusted to its government...”.

Drawing inspiration from the above and keeping the above stated rules of interpretation of legislative entries in mind, the entry ‘sport’ must be given a widest possible meaning.

16.1. With the above perspective in mind, we find that since the expression “sport” has not been defined under the Constitution, one may have to take recourse to the dictionary meaning or the meaning attached to it in the ordinary sense.

(i) Motor Racing would qualify as a sport for the following reasons:

(a) Ordinary / Etymological meaning:

Sport is a physical activity carried out under an agreed set of rules with a recreational purpose, for competition or self-enjoyment or a combination of these. The word 'sport' derived from old french word “desporter”, which literally means “to carry away”, as in carry away from work. The French words, “desporter” was formed from the Latin word “desportare”, “des” means “away” and “portare” means “to carry”, thus the word 'sport' was used to denote pleasant time as well as it was used to mean game involving physical exercise.

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(b) Dictionary Meaning:

It may be relevant to refer to the following dictionary meaning :

Oxford Advanced Learner's Dictionary - 9th Edition:

SPORT – Definition:

Activity that you do for pleasure and that needs physical effort or skill, usually done in a special area and according to fixed rules.

Cambridge Dictionary:

SPORT – Definition: (in the perspective of game) A game, competition or activity needing physical effort and skill that is played or done according to the rules, for enjoyment and/ or as a job.

Applying the above dictionary meaning to Motor Racing, in particular, F4 Street Race, it would qualify as a “sport”.

(ii) Consideration of Motor Racing as a sport by State / Union Ministry :

(a) It may be relevant to take note of consideration of Motor Racing as a sport by other States and Union Ministry. In this regard, reference was made to Kerala Sports Act, 2000, which, while defining sports, includes motor racing.

The relevant provision reads as under:

(xiv) “Sports” shall include such activities organized as out-door games, <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 athletics, games conducted in open place or country sports, indoor games and aquatic and popular games such as equestrian, show jumping, cycling, motor racing, mountaineering boat racing rifle shooting kalaripayattu, fencing, yoga and such other outdoor and indoor sports and games, chess, gymnastics, wrestling, weightlifting, cycle polo and other olympic disciplines and include other physical activities which the State Government may, by notification in the gazette specify as sports or games on the recommendation of the State Sports Council.”

(b) The Federation of Motor Sports Club of India (FMSCI) is recognized by the Government of India, Ministry of Youth affairs and Sports as the only National Sports Federation (NSF) for the promotion and governance of motor sports in India. The FMSCI was set up with the main objective to standardise rules and regulations for motor sporting events across India. It is a Private Limited, non-profit company registered under Section 25 of the Indian Companies Act, 1956. It is also a long standing member of the International Federations for motorsports viz., Federation Internationale de l'Automobile (FIA), Paris (Four wheelers and above) and Federation Internationale de Motocyclisme (FIM), Geneva (2 and 3 wheeler motorsports). The FMSCI has a wide base of affiliated member clubs spread across the length and breadth of India.

It is thus clear that the attempt to contend that motor racing is not a sport but an entertainment, is specious, preposterous and a mere bluster.

16.2. Another notable contention raised by the learned counsel for the petitioners is that Sport is not one of the activities specifically provided as a <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 Directive Principles of State Policy, which, according to us, is unsustainable for two reasons viz.,

(a) Entry 33 of the List II of the Seventh Schedule of the Constitution which includes 'sports' as one of the fields of legislation earmarked as falling within the competence of the State Legislature and it reads as under:

“33. Theaters and dramatic performances; cinemas subject to the provision of entry 60 of List I; sports, entertainments and amusements. ....” The above argument that

promotion of sport is not a part of Directive Principles under Part IV, overlooks the fact that there is a specific legislative entry, which covers sports as well as its promotion.

(b) Secondly, Article 41 of the Directive Principles of State Policy provides that “the State shall within the limits of its economic capacity make provision from securing the right to education”. Importantly, sport has now been held to be a part of education by the Constitution Bench. In this regard, it may be relevant to refer to the judgment of the Hon'ble Supreme Court in *Zee Telefilms Ltd. v. Union of India* [(2005) 4 SCC 649], in which, it was held as under:

“Sport is considered to be a part of education (within its expanded meaning). Sport has been included in the human resource development as a larger part of education. The Ministry of Youth Affairs and Sports was earlier a department of the Ministry of Human Resource Development. Now a <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 separate Ministry of Youth Affairs and Sports has come into being, in terms of the Allocation of Business Rules.” It is also to be noted that the 61st Session of the General Assembly has passed a resolution whereby sports is understood and treated as a means to promote education, health, development and peace. It may also be relevant to refer to the Preamble of National Sports Policy, 2001, to appreciate the means and relevance promoting sports:

“The Preamble of 'National Sports Policy, 2001', "Activities relating to Sports and Physical Education are essential components of human resource development, helping to promote good health, comradeship and a spirit of friendly competition, which, in turn, has positive impact on the overall development of personality of the youth. Excellence in sports enhances the sense of achievement, national pride and patriotism. Sports also provide beneficial recreation, improve productivity and foster social harmony and discipline.” It is thus clear that 'Sport' is a part of the Directive Principles of State Policy and the State has an obligation to promote the same.

17. Coming to the primary contention, it is seen that the State has taken a conscious policy decision to permit the RPPL to organise the Formula 4 racing - Street Race, and that, as submitted by the learned Advocate General, all the required approvals and licenses from the different departments as well as authorities have been obtained. The copies of the same have also been <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 produced for consideration of this court in the form of typed set of papers. It is also to be noted that an event of such magnitude, taking into consideration its nature, especially being a street race, cannot be conducted by the RPPL without the complete co-operation as well as elaborate arrangements and facilitation by the State Government. In order to make such facilitation, the State Government has already spent Rs.42 crores on the basis of the MoU entered into with the RPPL. The main ground of attack on permitting the RPPL in organising this Formula 4 racing event is that they are a private entity, and the State Government has permitted the RPPL to make profit by conducting this racing event at the cost of causing severe inconvenience to the public. Further, it was stated that the State

has distributed its largesse in a manner as to create a monopoly in favour of the RPPL as no other competitors have been consulted with respect to this event. This argument though plausible and speciously couched, will have to necessarily fail considering the fact that the RPPL is the only licenced entity by the Central Government to conduct any event of this nature, being the only licence holder of the F4 Indian Championship Formula 4, which is accredited by the International Governing Body of Motorsports i.e., Federation Internationale de I 'Automobile. Therefore, the question relating to what propelled the State Government to enter into a MoU with the RPPL is beyond the pale for consideration of this <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 court. The further fact that none of the other competitors or contenders in respect of the sporting activity of racing have either approached this court or been made parties to these writ petitions, will bolster this submission.

18. The second part of the same argument raised on the side of the petitioners, would relate to the necessity of the State Government to go out of the way and spend a whopping sum of Rs.42 crores for the benefit of a private entity. Here again, it is the stand of the State Government that they have taken a conscious policy decision to encourage the racing sport and that, it has also applied its mind on all the possible benefits that will accrue to the State by facilitating this event, and such benefits include tourism as well as temporary jobs being created during the organization and conduct of this event. Only on the basis of such policy decision, the State has sanctioned Rs.42 crores for obtaining license and operating fee, including laying of roads and creation of other infrastructure, and the expenditure will be reduced to Rs.15 crores in the upcoming two years for holding the Street Circuit in Chennai. It is trite and well settled position of law that the courts will not interfere with the policy decision of the State unless the same is arbitrary, unreasonable or unfair or against the Constitution or its philosophy, and judicial review is restricted only to such categories of cases. In this connection, it may be relevant to refer to the following decisions of the Hon'ble Supreme Court:

<https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023

(i) Brij Mohan Lal v. Union of India (UOI) and others [19.04.2012 -SC : MANU/SC/0316/2012]:

“72. It is also a settled canon of law that the Government has the authority and power to not only frame its policies, but also to change the same. The power of the Government, regarding how the policy should be shaped or implemented and what should be its scope, is very wide, subject to it not being arbitrary or unreasonable. In other words, the State may formulate or reformulate its policies to attain its obligations of governance or to achieve its objects, but the freedom so granted is subject to basic Constitutional limitations and is not so absolute in its terms that it would permit even arbitrary actions. Certain tests, whether this Court should or not interfere in the policy decisions of the State, as stated in other judgments, can be summed up as:

(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(II) The change in policy must be made fairly and should not give impression that it was so done arbitrarily on any ulterior intention.

(III) The policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc. (IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(V) It is de hors the provisions of the Act or Legislations. (VI) If the delegate has acted beyond its power of delegation.”

(ii) State of Tamil Nadu v. National South Indian River Interlinking Agriculturist Association [(2021) 15 SCC 534]:

“11. However, it is settled law that the Court cannot interfere with the soundness and wisdom of a policy. A policy is subject to judicial review on the limited grounds of compliance with the fundamental rights and other provisions of the Constitution. [Asif Hameed v. State of J&K, 1989 Supp (2) SCC 364; Shri Sitaram Sugar Co. Ltd v. Union of India (1990) 3 SCC 223; Khoday Distilleries Ltd v. State of Karnataka, (1996) 10 SCC 304; Balco Employees' Union v. Union of India, (2002) 2 SCC 333; State of Orissa v. Gopinath Dash, (2005) 13 SCC 495; 2006 SCC (L&S) 1225]. It is also settled that the Courts would show a higher degree of deference to matters concerning economic policy, compared to other matters of civil and political rights. In R.K. Garg v. Union of India [(1981) 4 SCC 675 : 1982 SCC (Tax) 30], this Court decided on the constitutional validity of the Special Bearer Bonds (Immunities and Exemptions) Act 1981. The challenge to the statute was on the principal ground that it was violative of Article 14 <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 of the Constitution. Rejecting the challenge, the Constitution Bench observed that laws relating to economic activities must be viewed with greater latitude and deference when compared to laws relating to civil rights such as freedom of speech: (SCC pp.690-91, para 8) “8. Another rule of equal importance is that laws relating to economic activities should be viewed with greater latitude than laws touching civil rights such as freedom of speech, religion etc. It has been said by no less a person than Holmes, J., [Ed.: The reference appears to be to Bain Peanut Co. of Texas v. Pinson, 1931 SCC OnLine US SC 34: 7 L Ed 482: 282 US 499 (1931). See also Missouri, Kansas & Texas Railway Co. of Texas v. Clay May, 1904 SCC OnLine US SC 118: 48 L Ed 971: 194 US 267, 269 (1904)], that the legislature should be allowed some play in the joints, because it has to deal with complex problems which do not admit of solution through any doctrinaire or strait-jacket formula and this is particularly true in case of legislation dealing with economic matters, where, having regard to the nature of the problems required to be dealt with, greater play in the joints has to be allowed to the legislature. The court should feel more inclined to give judicial deference to legislative judgment in the field of economic regulation than in other areas where fundamental human rights are involved. Nowhere has this admonition been more felicitously expressed than in

Morey v. Doud [1957 SCC OnLine US SC 105: 1 L Ed 2d 1485 : 354 US 457 (1957)] where Frankfurter, J., said in his inimitable style:

“In the utilities, tax and economic regulation cases, there are good reasons for judicial self-restraint if not judicial deference to legislative judgment. The legislature after all has the affirmative responsibility. The courts have only the power to destroy, not to reconstruct. When these are added to the complexity of economic regulation, the uncertainty, the liability to error, the bewildering conflict of the experts, and the number of times the Judges have been overruled by events – self-limitation can be seen to be the path to judicial wisdom and institutional prestige and stability.”

19. In the present case, the State has, as a policy, decided to encourage the racing sport in the city of Chennai in order that youngsters interested in the particular sport will have the benefit of viewing as well as learning from the same, and as Racing as a sport is still at the nascent stage in the State as well as the country, events of this nature will be a shot in the arm <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 for the racing aspirants and that, this will also be able to encourage youngsters to prepare themselves for the racing sport in the international arena. Such being the policy decision of the State, which would have undoubtedly weighed all the considerations involved and competent enough to determine public interest, without in any manner endangering public safety or order, cannot be said to be so unreasonable as to be interfered with by this court.

20. Having said so, it may not be either necessary or appropriate for this Court to delve deeper into the nitty-gritties of the nature of the event and the minutest aspect of the impact that is likely to occasion or cause. Further, it is a matter of fact that when there is an event of a large scale organized by the State or in partnership with the State, especially a sporting event, it is likely to cause some inconvenience to the public. At this juncture, it is worthwhile to recollect the submissions of the learned Advocate General appearing on behalf of the State Government that after obtaining the necessary approvals / consent from the authorities of Army, Navy and Port Trust, the Government has proceeded to conduct the event; that, all the precautionary measures and safety arrangements would be made; that steps would be taken to ensure that no injury / inconvenience would be caused to any one, including the general public. He further submitted that the F4 racing is only a small scale formula <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 racing, when compared to F1, F2 and F3 racing, which is widely advertised and popularised across the globe; the F4 racing event is conducted regularly in foreign countries, like Spain and in India, it is slowly gaining popularity; even in India, the street rally racing is not an alien sport as the same has been conducted safely in Hyderabad in the last two years and for the first time, Chennai city is chosen as the venue; when the racing event is held in Irungattukottai, only few people will be able to watch, whereas if it is in Chennai, it would draw much required attention from the public in mass numbers; and therefore, the State has decided to conduct the event in the Chennai City. The learned Advocate General also assured that this race does not in any manner, close or restrict the movement to the Rajiv Gandhi Government Hospital, and the patients and ambulances would be able to enter and exit the hospital without any impediment; that, the race cars emit only 98 decibel units of sound and the race place is 200m away from the hospital entrance; that, sound / noise cutters will be put

in place to prevent any possibility of high level emissions of sound; and hence, there is no possibility of causing inconvenience to the patients, more particularly, heart patients and other critically ill-patients at the hospital. In the light of the same, this Court is expected the State to ensure the highest degree of public safety and make sure that the racing event which will be first of its kind in the city, is to be done in a <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 controlled manner. This Court is also necessarily conscious of the fact that the State Government has already spent a huge amount for this event. Having found that a conscious policy decision taken by the State Government has not failed the test of reasonableness, non-arbitrariness, and proportionality, this Court does not find it necessary to go into the aspect of mala fides on the part of the State Government in permitting the RPPL to organise and conduct the race, but is inclined to consider the submission of the petitioners with regard to the expenditure of Rs.42 crores spent for the event, when various public oriented requirements are to be fulfilled by this State.

21. Be that as it may, in the peculiar circumstances, while it is admitted that the RPPL is the only licensed entity to organise the Formula 4 Race, there is no gainsaying the fact that the entire profit that would be made after the conduct of this event, would go to the RPPL. It would have been one thing to say that the State was conducting the event at its own behest with the facilitation of a private party, who has expertise in the particular sport, but quite another, when the event is being conducted completely by the private party, who seeks facilitation by the State. In the first scenario, the benefit would be to the State and its citizens and the financial gain also would be only for the State exchequer. In the second scenario, even though the State supports <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 the private party by facilitation and undertaking the resultant expenditure, the financial gain would be only for the private party at an exponential level of a few hundred crores. This court cannot ignore these compelling factual scenario. It is in this context, we feel that it was certainly desirable that the State had negotiated better terms in order to generate more revenue for it, while permitting the RPPL to organise the racing event and at the same time, facilitating the conduct of the event by making huge expenditure of Rs.42 crores. It is seen that the MoU does not stipulate any further profit sharing to the benefit of the State Government. However, having regard to the fact that the State has decided to conduct the Formula 4 Race as part of its policy to encourage and promote the sport, create better opportunities for the interested persons in sporting activity of racing, hone the skills of existing young talent in the State in order to represent itself the international arena in the field of racing, and also create temporary jobs in the organisation of the sporting event of racing as well as generate further revenue for the State in terms of tourism that will be a collateral benefit, while organising any event of an international character, and importantly, considering the fact that the State has already spent a huge amount and made enormous efforts including laying new roads as well as making arrangements throughout the 3.7 km stretch on which the street race is to be held, this Court is not in favour of either stalling the Race or in any <https://www.mhc.tn.gov.in/judis> WP Nos. 33687, 33741, 33911 and 33914 of 2023 way preventing the State from implementing its policy decision, and is inclined to permit them to proceed further, however, subject to certain terms.

22. Accordingly, this batch of writ petitions are disposed of, with the following directions:

(i) The Formula 4 Race proposed to be conducted in the Chennai Racing Circuit is permitted to be held on the dates to be decided by the State Government in consultation with the stakeholders.

(ii) The State Government shall ensure that the street race in the 3.7 km as stipulated, shall be carried on, with highest degree of public safety and avoiding inconvenience to the public, especially the in-patients of the Rajiv Gandhi Government General Hospital, Madras Medical College, and Omandurar Government Multi-speciality Hospital. This can be ensured by installing necessary silencing equipment like sound silence panels/acoustic sound panel for noise control in the hospitals during the time of the racing events.

(iii) The RPPL shall ensure that all public viewers will be provided with necessary protective gear for their safety during the Race.

(iv) <https://www.mhc.tn.gov.in/judis> The RPPL shall reimburse the expenditure made by the State WP Nos. 33687, 33741, 33911 and 33914 of 2023 Government (i.e.) Rs.42 crores from the public exchequer, to them, prior to the conduct of the event.

(v) The State Government must ensure that RPPL or anyone should deposit in advance (prior to next year and the upcoming third year's event) the stipulated expenditure of Rs.15 crores for the upcoming two years for holding the Street Circuit in Chennai.

(vi) The RPPL cannot expect anything more than facilitation as well as arrangements along with co-ordination and co-operation of the State authorities, and the expenditure for the event will have to be completely borne out only by the RPPL.

(vii) In future, the State is expected to take upon itself the responsibility of conducting of such event in furtherance of its policy to encourage the racing sport and seek the support of private bodies having experience and expertise in the field. This will ensure fairness and also dispel any doubt as to mala fides in distribution of the State largesse. No costs. All the connected miscellaneous petitions are closed.

(R.M.D., J)

19.02.202

Index : Yes / No

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Neutral Citation : Yes / No  
Speaking / Non-Speaking Order  
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To

1. The Joint Secretary  
Ministry of Road Transport and Highways  
Union of India  
Transport Bhawan  
Parliament Street  
New Delhi - 110 001
2. The Chief Secretary to Government  
State of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009
3. The Additional Chief Secretary to Government  
Department of Youth Welfare and Sports Development  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009
4. The General Officer Commanding  
Army Head Quarters  
Dakshin Bharat Area  
Island Grounds, Chennai - 600 009
5. The Secretary  
Youth Welfare and Sports Development Department  
Secretariat, Fort St. George  
Chennai - 600 009
6. The Secretary  
Highways Department

<https://www.mhc.tn.gov.in/judis>

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Secretariat, Fort St. George  
Chennai - 600 009

7. The Chief Executive Officer/Member Secretary  
Sports Development Authority of Tamil Nadu  
Jawaharlal Nehru Stadium  
Raja Muthiah Road  
Periyamet, Chennai - 600 003
8. The District Collector  
Chennai District  
Rajaji Salai, George Town  
Chennai - 600 001

9. The Commissioner of Police  
Greater Chennai Police  
No.132, Commissioner Office Building  
EVK Sampath Road  
Vepery, Chennai - 600 007
10. The Commissioner  
Greater Chennai Corporation  
Ripon Building, EVR Periyar Salai  
Park Town, Chennai - 600 003
11. The President,  
Federation of Motor Sports Clubs of India  
A-25, Krishna Towers  
50, Sardar Patel Road  
Chennai  
Tamil Nadu - 600 113
12. The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Maligai  
No.1, Gandhi Irwin Road  
Egmore, Chennai - 600 008
13. The Director General of Police  
Dr. Radhakrishnan Salai  
<https://www.mhc.tn.gov.in/judis>

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