

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.251 of 2015 and M.P. No.1 of 2015

M. Venu

Appellant

vs.

The Inspector of Police
Malaiyampalayam Police Station
Malaiyampalayam
Erode District

Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent as against the order dated 03.02.2015 in W.P. No.2404 of 2015.

presented under Article 226 of the constitution of India to issue a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings No. Nil dt 22.1.2015 and quash the same and consequently directing the respondent to give permission to the petitioner for conducting dance programme to be held on 25.2.2015 at Sri Maha Mariyamman Koil Rakkiyagoundenpudur Pasur Village Erode District.

For appellant Mr. C. Prakasam

For respondent Mr. N. Sakthivel
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

This intra-Court appeal is directed against the order dated 03.02.2015 passed by the Writ Court in W.P. No.2404 of 2015.

2 The brief facts leading to the filing of the instant appeal are that the appellant submitted a representation on 21.01.2015 before the respondent / police officer seeking permission to conduct dance programme on 25.02.2015 as a part of temple festival and also

to provide sufficient police protection during the conduct of the said dance programme. By order dated 22.01.2015, the respondent / police officer refused to grant permission to the appellant to conduct dance programme on the ground that there will be obscenity in the dance programme, which may spoil the mind of youngsters. Challenging the said order passed by the respondent / police officer, the appellant filed the instant writ petition being W.P.No.2404 of 2015 and further, sought a mandamus to the respondent to grant sufficient police protection during the conduct of the dance festival. The Writ Court dismissed the writ petition observing that no such blanket direction, as sought by the appellant, can be issued to the respondent police. However, the Writ Court observed that it is open to the appellant to pursue the representation submitted by him before the respondent. Aggrieved thereby, the instant appeal has been preferred.

3 At the outset, it is to be noted that the instant appeal has become infructuous on the ground that the appellant had sought permission to conduct dance programme on 25.02.2015. Today, the appellant's case cannot be considered on merits, inasmuch as, the date on which the proposed dance programme was to be held, viz., 25.02.2015, has come to an end. However, we make it clear that whenever a fresh representation is made, the authorities are expected to consider each and every case on merits, recording proper reasons while passing orders.

4 With the above observation, the writ appeal stands disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad/vvk

To
The Inspector of Police
Malaiyampalayam Police Station
Malaiyampalayam, Erode District

1 cc to Mr.C. Prakasam, Advocate, sr. 1029
1 cc to Government Pleader, sr. 10795

W.A. No.251 of 2015

TEJ (CO)
kk 11/3