

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-4-2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.13576 of 2015

P.Sundarajan

.. Petitioner

vs

1.The Superintendent of Police
Perambalur

2.The Inspector of Police
Arumpavur Police Station
Arumpavur, Perambalur District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent in Proceedings dated 9.4.2015, and quashing the same and consequently, directing the 2nd respondent to give permission for conducting the dance programme in the event of Sri Mariamman Temple festival on 11.5.2015, at Vengalam Village & Post, Veppanthatai Taluk, Perambalur District based on the petitioner's representation dated 9.4.2015.

For Petitioner : Mr.H.Rajesh

For Respondents : Mr.M.Digvijaya Pandian
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims to be the organiser or in-charge of temple festivals relating to Sri Mariamman Koil at Vengalam Village and Post, Perambalur District, and submitted an application to the second respondent for conducting a cultural programme and also undertook that there will not be any law and order problem or no vulgarity or obscenity would be involved and it is also open to the police to fix the time, in which the programme should be conducted; but, however, the said application was rejected on the ground that they intend to conduct the programme beyond 10 P.M. on 11.5.2015, as per their invitation, and challenging the legality of the same, the present writ petition is filed.

3.Heard the learned Counsel appearing for the petitioner, who, on instructions, would submit that the petitioner in his representation dated 9.4.2015, submitted to the second respondent, has clearly stated that they will maintain law and order and there will not be any obscenity or vulgarity and they will abide by the timing fixed for conducting the programme, and in the light of the same, the second respondent may be directed to pass appropriate orders.

4.Mr.M.Digvijaya Pandian, learned Additional Government Pleader, who accepts notice for the respondents, would submit that there is apprehension of law and order problem in the particular area and taking into consideration the overall aspects, the request made by the petitioner, was rightly rejected.

5.However, this Court is of the view that the said reason does not find place in the impugned order and the only reason stated therein, is that as per the invitation, the dance and song programme is to be conducted beyond 10.00 P.M., on 11.5.2015. In the light of the undertaking in the form of letter dated 9.4.2015, tendered by the petitioner to the second respondent, the impugned order is set aside and the matter is once again, remanded to the second respondent, who shall take into consideration the representation dated 9.4.2015, submitted by the petitioner, and pass orders in accordance with law, on or before 9.5.2015. The writ petition is partly allowed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

nsv

To:

- 1.The Superintendent of Police
Perambalur
- 2.The Inspector of Police
Arumpavur Police Station
Arumpavur, Perambalur District

1 cc to M/s. H. Rajesh, Advocate, Sr. 24531

1 cc to Government Pleader, sr. 24699

W.P.No.13576 of 2015