

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7509 of 2015 and
M.P.No.1 of 2015

V.Kittu

Deputy Secretary (Kancheepuram District)
No.80, Annal Ambedkar Street,
Mammallapuram
Thirukuzhu Kundram Taluk,
Kancheepuram District

... Petitioner

vs.

The Joint Commissioner,
Tamilnadu Labour Welfare Commission,
Teynampet, Chennai - 6

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Mandamus to direct the respondent to grant permission to conduct petitioner's daughter marriage on 22.03.2015 at Jawaharlal Nehru Ouru Illam (Opp to Adyar Ananda Bhavan) Mamallapuram by considering his urgent representation dated 13.03.2015.

For Petitioner : Mr.N.G.R.Prasad for
Mr.L.Uthayakumar

For Respondent : Mr.R.Vijayakumar

सतयमेव जयते
O R D E R

Heard Mr.N.G.R.Prasad, learned counsel for Mr.L.Uthayakumar learned counsel for the petitioner and Mr.R.Vijayakumar, learned counsel appearing for the respondent. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner is a Deputy Secretary of a Political Party and he seek direction upon the respondent to grant permission to conduct the petitioner's daughter marriage at Jawaharlal Nehru Oivu Illam at Mahabalipuram. The petitioner would state that he is going to solemnize the wedding of his daughter and he has made arrangements for the wedding and therefore, sought for permission to conduct the wedding in the said premises. Since the application was pending, the

petitioner filed a Writ Petition before this Court in W.P.No.6905 of 2015 praying for issuance of Writ of Certiorarified Mandamus to quash the order passed by the Inspector of Police, E1, Mamallapuram Police Station and to direct the Inspector of Police to permit the petitioner to conduct marriage of his daughter in Jawaharlal Nehru Oivu Illam and provide police protection for the marriage.

3.This Court after hearing the learned counsel for the parties by order dated 12.03.2015 pointed out that the amount remitted by the petitioner is for reserving the rooms in the guest house and there is no written permission from the Joint Commissioner, Tamilnadu Labour Welfare Commission granting permission to celebrate wedding in the said premises, which comes under the control of Tamil Nadu Labour Welfare Commission. Therefore, this Court observed that there is no ground made out to quash the impugned proceedings of the Inspector of Police, E1, Mamallapuram Police Station dated 05.03.2015. However, it was observed that it is open to the peititioner to approach Tamilnadu Labour Welfare Commission, obtain permission for conducting marriage and then approach the Police.

4.Accordingly, the petitioner has approached the respondent and the permission sought for has been refused.

5.The learned counsel for the petitioner submitted that the action of the respondent in rejecting the permission is in clear violation of Article 15 of the Constitution, which prohibits discrimination on the ground of religion race, caste, sex and place of birth. In this regard, Article 15(1) (2) as well as Article 17 which deals Abolition of Untouchability was referred to.

6.The learned counsel for the respondent submitted that the premises in question is under the control of the Tamilnadu Labour Welfare Commission and it is a 'Rest House', not a 'Marriage Hall' . Further it is stated that no written permission has been granted for conducting any marriage function or any function pertaining to a private person and it is used only as a rest house for the welfare of the labourers that too as per the procedure stipulated by the Tamilnadu Labour Welfare Commission.

7.When the premises in question is not a marriage hall or a community hall, the petitioner, as a matter of right, cannot insist the respondent to grant permission for wedding of his daughter, which admittedly is a private function. Further more, the object of establishing the rest house is for a different purpose for the welfare of the working force who visit the town. Therefore, the petitioner cannot plead his case alleging there is violation of Article 15 or 17 of the Constitution of India, when the order of rejection passed by the respondent is on justifiable ground stating that it is rest house and not a marriage hall or community hall

opened for a private function.

8.Hence no ground has been made to issue a Writ of Mandamus as sought for by the petitioner and the Writ Petition fails and the same is dismissed. However, it is open to the petitioner to perform marriage in any other suitable place as per his choice. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To
The Joint Commissioner,
Tamilndu Labour Welfare Commission,
Teynampet, Chennai - 6

1 cc to Mr.L.Uthaya Kuamr ,Advocate, SR.No.15218

1 cc to Government Pleader,Sr.No.15314

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