



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 19936 of 2015

K.V.M.Perumal

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Cumbam North Police Station,
Cumbam,
Theni District.

3.The Sub Inspector of Police,
Cumbam North Police Station,
Cumbam,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the records pertaining to the rejection order passed by the th ird respondent dated 27.10.2015 and to quash the same and consequently direct the respondents to give permission and portection to perform the cultural programme of Adal Pada (Kalai Nigaltchi) on 4.11.2015 in connection with the "Iyppasi Pongal Festival" of Pathirakaliamman Kovil at Pathrakaliamman Kovil Stree, Cumbam, Uthamapuram, Theni District and pass further or other orders as this Court may deem fit and proper in the above facts and circumstances of the case.

For Petitioner	: Mr.R.Babu Jaganath
For Respondents	: Mr.D.Muruganantham, Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of certiorarified mandamus to quash the rejection order passed by the third respondent dated 27.10.2015 and for consequential direction to the respondents to give permission and protection to perform the cultural programme of Adal Pada (Kalai



Nigaltchi) on 03.11.2015 and 04.11.2015 in connection with the "Iyppasi Pongal Festival" of Pathirakaliamman Kovil at Pathrakaliamman Kovil Stree, Cumbam, Uthamapuram, Theni District.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct 'Iyppasi Pongal Festival' in Pathirakaliamman Kovil at Cumbam Uthamapuram, Theni District on 3.11.2015 and 04.11.2015 and that they are going to perform Adal Padal programme (Kalai Nigaltchi) and that the respondents may be directed to give protection to perform cultural programme. He would further submit that in this connection, a representation was given to the respondent police on 27.10.2015 with a request to grant permission to conduct the programme on the above said dates, however, the respondent Police has rejected the petitioner's request on the same day and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the said festival was celebrated in a peaceful manner by the villagers in the last year, no untoward incident will take place in this year also.

4. The learned Special Government Pleader would submit that the respondent police has passed the rejection order keeping in mind the fact that a case has been registered on account of a murder that occurred within the jurisdiction of the respondent police. He would further submit that if permission is granted for conducting the cultural programme, the anti social elements will make use of the same to create law and problem in the locality.

5. This Court considered the submission made on either side and perused the materials available on record.

6. The anticipation of the respondent police cannot be ignored, as they are only answerable, if any untoward incident taken place in their jurisdiction.

7. In view of the submission made by the learned Special Government Pleader, this Court is not inclined to grant permission for conducting Adal Padal programme, Therefore, the rejection order needs no interference by this Court. Accordingly, this Writ Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To,

1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Cumbam North Police Station,
Cumbam,Theni District.

3.The Sub Inspector of Police,
Cumbam North Police Station,
Cumbam,Theni District.

+1cc to Spl.GOvernemnt Pleader Sr.No. 64767

cm

AA/AMF/19.11.2015/3p-5c

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03.11.2015