

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. No.31379 of 2016

G. Kumaresan

... Petitioner

Vs.

The Inspector of Police
Nallipalayam Police Station
Nallipalayam
Namakkal District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the respondent dated 29.08.2016 and quash the same and consequently, direct the respondent to give police protection (bandhobasth) and allow the petitioner to conduct Adal Padal programme in Nallipalayam Arulmigu Sree Mariamman Temple Kumbabishekam Festival on 13.09.2016.

For petitioner : M/s. A.Sathishkumar & N. Srirama Selvam

For respondent : Mr. C. Emalias
Additional Public Prosecutor

ORDER

This writ petition is filed challenging the order dated 29.08.2016 and for a direction to the respondent to give police protection and allow the petitioner to conduct dance programme in Nallipalayam Arulmigu Sree Mariamman Temple Kumbabishekam Festival on 13.09.2016.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent State.

3. It is seen that the petitioner has made a representation dated 29.08.2016 to the respondent police, viz., the Inspector of Police, Nallipalayam Police Station seeking police protection and permission for conducting cultural programme in connection with Sree Mariamman Temple festival on 13.09.2016 from 7 p.m. to 11 p.m.

4. On the representation made by the petitioner, the respondent police has passed a cryptic order rejecting the petitioner's request without assigning any reason.

5. It is a settled law that in matters concerning law and order, the police have got full right to gauge the situation at the ground level and either permit such programmes or refuse permission. In this case, the respondent police have not even assigned any reason for refusing permission.

6. Therefore, the order dated 29.08.2016 passed by the respondent police is hereby set aside and liberty is given to the petitioner to give a fresh representation and when such representation is made, the respondent police shall consider the petitioner's request afresh and pass orders in accordance with law.

The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Inspector of Police
Nallipalayam Police Station
Nallipalayam
Namakkal District

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A. Sathishkumar, Advocate, S.R.No.51410

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PPA(CO)
CA(09/09/2016)