

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.12.2016
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 44128 of 2016
and
W.M.P No. 37958 of 2016

C. Muthupandian @ Muthupandi

..Petitioner

Vs.

1. The Secretary to Government
Government of Tamilnadu
Home Department
Fort St. George
Chennai - 600 009.
2. The Commissioner of Police
Chennai City
Office of the Commissioner of Police
Egmore, Chennai - 8.
3. The Assistant Commissioner
of Police
Triplicane Range
Chennai - 600 005.
4. The Inspector of Police
D-2 Anna Salai
Chennai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 4th respondent not to interfere with the peaceful conduct of cultural show by the petitioner as Public Resort License bearing No. RC No.E3(1)/101/33915/2013 dated 26.01.2016 and pass further orders.

For Petitioner : Mr. AR.L. Sundaresan, Sr.Counsel
for Mr. R. Rajesh Kumar

For Respondents : Mr. A. Kumar, Spl.Govt. Pleader

O R D E R

Heard Mr. AR.L. Sundaresan, learned senior counsel for Mr. R. Rajesh Kumar, counsel for the petitioner on record and Mr. A. Kumar, learned Special Government Pleader for the respondents.

2. By consent, the writ petition itself is taken up for final hearing, in view of the limited prayer.

3. The Writ petition is filed seeking for a direction to the 4th respondent not to interfere with the peaceful conduct of cultural show by the petitioner as Public Resort License bearing No. RC No.E3(1)/101/33915/2013 dated 26.01.2016.

4. The petitioner is carrying on business of hotel industry since 2005 in the name and style of Hotel Platinum Stars and conduct Indian cultural dances of Bharathnatiyam, Odissi and other classical cultural dances. Although the original owner was in possession of the licence for the period 2004 and 2005, the petitioner did not renew the same, subsequently. The petitioner filed W.P. No. 22727/2014 and by order dated 15.04.2015 this Court partially allowed the writ petition. Challenging the same, the respondents filed an appeal in W.A. No. 981 of 2015. By order dated 17.11.2015, order of the learned Single Judge was confirmed with partial modification. Thereafter, a Public Resort License bearing RC. No.E3(1)/101/33915/ 2013 dated 26.01.2016 was issued to the petitioner and the cultural dance programmes were conducted by the petitioner.

5. Learned Senior counsel appearing for the petitioner submitted that the petitioner is conducting cultural dance programmes with the requisite licence. However, the 4th respondent often inspects and interferes with the conduct of the dance. The petitioner lodged complaints to the Commissioner of Police and the Joint Commissioner of Police and based on their directions, the petitioner was allowed to continue his show. Without any valid reasons, repeatedly the 4th respondent orders to stop the show and finally from 15.12.2016 the petitioner was not permitted to conduct the show. Since the petitioner is put to great distress and financial loss, this writ petition has been filed, with the aforesaid prayer.

6. Learned Special Government Pleader for the respondents would submit that the respondents interfere with the show, only since there is violation of the orders of this Court and the dance show is conducted violating the conditions prescribed in the licence. Learned counsel further submitted that the respondents police would not interfere so long as they

conduct Indian Cultural dances.

7. Recording the submission of the learned senior counsel for the petitioner and the learned special government pleader, this Court is inclined to pass the following orders :

a) In the light of the order passed by this Court n W.A No.981 of 2015 dated 17.11.2015, the respondents shall not interfere with the conduct of show, as long as the petitioner conducts the Indian Cultural Dances namely, Bharathanattiyam, Rajathani Dance, Punjabi Folk Dance, Indian Folk Dance, Shivan Dance, Nagin Dance, Gujarathi Dance, Tamil Nadu Village Folk Dances and Sankarabaranam (Telugu Folk Dances).

b) In case of violation of the Order of this Court or any conditions termed in the licence, it is open to the respondents to take action against the petitioner, in accordance with law.

8. The Writ Petition is ordered accordingly, at the stage of admission itself. Consequently, the connected M.P is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

avr

To

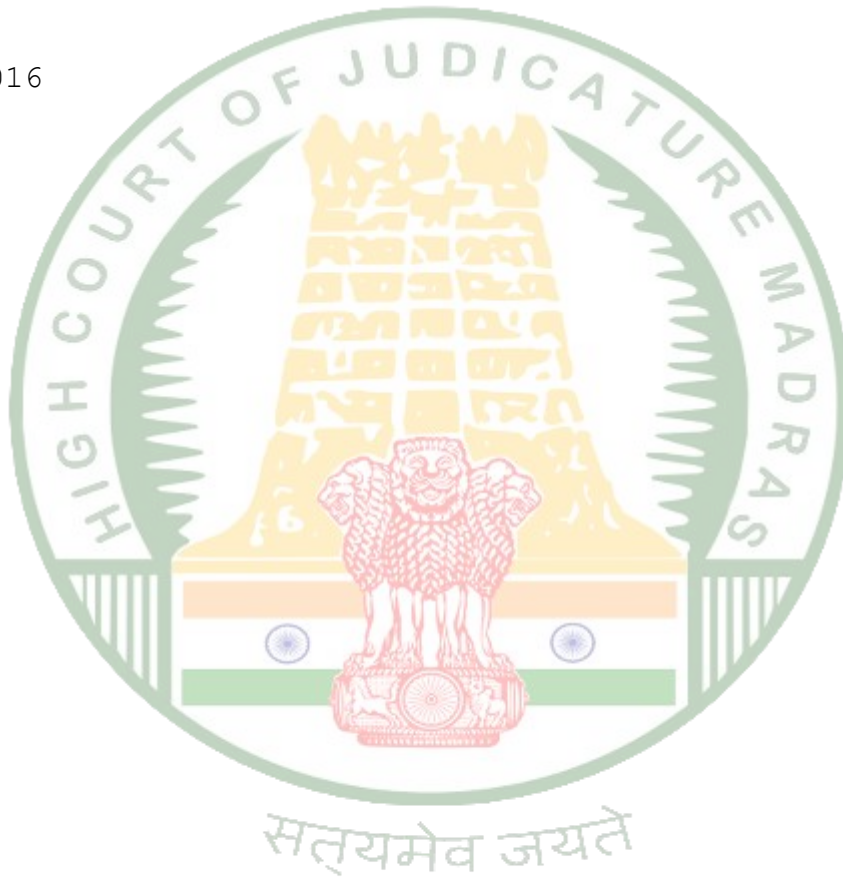
1. The Secretary to Government
Government of Tamilnadu
Home Department, Fort St. George
Chennai - 600 009.
2. The Commissioner of Police
Chennai City, O/o. The Commissioner of Police
Egmore, Chennai - 8.
3. The Assistant Commissioner of Police
Triplicane Range, Chennai - 600 005.

4. The Inspector of Police, D-2 Anna Salai, Chennai.

+1 cc to Mr.R.Rajesh kumar Advocate sr 76188

W.P. No. 44128 of 2016
and
W.M.P No. 37958 of 2016

aa26/12/2016



WEB COPY