



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2016

CORAM

**The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND**

The HON'BLE MR.JUSTICE S.NAGAMUTHU

W.A. (MD) No.1328 of 2016 and CMP(MD)No.9449 of 2016

U.Mohamed Mohiden

.. Appellant /Petitioner

Vs.

1. The Superintendent of Police
Tirunelveli
Tirunelveli District.

2. The Deputy Superintendent of Police
Nanguneri, Tirunelveli District.

3. The Inspector of Police
Ervadi Police Station
Ervadi, Tirunelveli District.

4. P.Mohammed Sirajudeen
S/o. Peer Mohammed
The President, Ervadi Muslim Jamath
N.33/19, Mohideenpalli North Street
Ervadi, Tirunelveli District.

.. Respondents/Respondents

PRAYER: Appeal against the order of the learned Single Judge dated 31.10.2014 made in W.P. (MD) No.17352 of 2014.

Prayer in WP(MD). 17352/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the 2nd respondent pertaining to its order in 714/Proceedings/DSPN/2014 dated 24.10.2014 and to quash the same and consequently direct the respondents herein to grant permission and adequate police protection to celebrate the "Moharrum" festival at LeppaiValaivu ground and the streets there to from 01.11.2014 to 04.11.2014 as per the schedule including the programs of lifting Panchaa and Santhana Koodu as it has been conducted from time immemorial.

For Appellant

: Mr.G.Prabhu Rajadurai



WEB COPY

(2)

For Respondents

: Mr.A.K.Baskara Pandian
Special Government Pleader
for respondents 1 to 3

Mr.T.Lajapathi Roy
for 4th respondent
in SR Stage

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We are not inclined to entertain the appeal as the cause of action for filing the original petition itself does not survive for consideration. If there is any fresh cause of action for the appellant, it is for the appellant to take recourse in accordance with law.

This writ appeal is dismissed accordingly. No costs. Consequently, C.M.P. (MD) No.9449 of 2016 is closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police
Tirunelveli, Tirunelveli District.
2. The Deputy Superintendent of Police
Nanguneri, Tirunelveli District.
3. The Inspector of Police
Ervadi Police Station, Ervadi, Tirunelveli District.
4. The Additional Public Prosecutor,
Maduri Bench of Madras High Court, Madurai.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.58541
+1 CC to Mr.T.LAJAPATHI ROY, Advocate, SR No.58350
+1 CC to Mr.G.PRABHU RAJADURAI, Advocate, SR No.58416

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