



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2016

CORAM

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

W.P. (MD) No.6580 of 2016

WEB COPY

M.Sathyamoorthi

... Petitioner

-vs-

1. The Superintendent of Police,
Thanjavur District, Thanjavur.
2. The Deputy Superintendent of Police,
Thiruvaiyaru Circle,
Thanjavur District
3. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.09/DO.TYR.Circle/MEMO/2016 dated 28.03.2016 and consequential order passed by the 2nd respondent in his proceedings Na.Ka.No.19/SDO-TYR/Elle/2016 dated 30.03.2016 and quash the same and consequently directing the respondents 1 to 3 to grant permission and necessary protection to perform the cultural programme on the eve of Arulmigu Iyyarappar Temple Chithirai Car Festival at Thiruvaiyaru, Thanjavur District, which is scheduled to be held on 20.04.2016 by considering the representation dated 08.03.2016 made by the petitioner.

For Petitioner : Mr.K.Mahendran

For Respondent : Mr.D.Muruganandam,
Addl. Govt. Pleader**ORDER**

Today, this writ petition has been listed today under the caption 'For being mentioned'.

2. After the Order was passed on 05.04.2016, the learned counsel appearing for the petitioner submitted that his case is materially different from the other cases inasmuch as the respondents have rejected the petitioner's representation on the ground that the High Court has not granted permission for conducting cultural programmes.

3. This Court has perused the impugned Orders, dated 28.03.2016 and 30.03.2016, wherein it is stated that permission has been denied on the ground that this Court has prohibited the conduct of Adal Padal Programmes. However, the case number has not been given. Under such circumstances, the Order, dated 05.04.2016, passed by this Court in W.P.(MD) No.6580 of 2016, is hereby recalled.

4. When the matter was taken up at 2.15 p.m. today, the learned counsel for the petitioner and the learned Additional Government Pleader were heard.



5. On a reading of the impugned orders, as stated above, the respondents have rejected the request of the petitioner on the ground that the High Court has not granted permission. The respondent has not stated, in which case, the High Court denied the permission.

6. Under such circumstances, the impugned orders are set aside and the respondent police is directed to consider the representation of the petitioner dated 08.03.2016 given by the petitioner afresh, keeping in mind, the fact that the Election Commission of India has announced time table for elections to the State Assembly and therefore, the Police will be under much strain. The respondent police are directed to pass orders on merits and in accordance with law either permitting or rejecting the representation dated 08.03.2016, given by the petitioner, taking into account the law and order problem and other aspects, prevailing in that area, as expeditiously as possible.

With the above direction, this Writ Petition is allowed. No costs. Consequently connected Miscellaneous petition is closed.

Sd/

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1. The Superintendent of Police,
Thanjavur District, Thanjavur.
2. The Deputy Superintendent of Police,
Thiruvaiyaru Circle,
Thanjavur District
3. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

+1cc to M/S.Mahendran, Advocate in SR.No.20773

+1cc to Special Government Pleader in SR.No.21059

W.P.(MD)No.6580 of 2016
13.04.2016

RR

PA/NGM-SS/SAR I/15.04.2016/2P/6C (IT)