



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.01.2017

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THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.1221 of 2017

Sri Muppudathi Ambal, Sri Santhanamari Ambal
Temple Festival Committee,
Gopalasamudram Vadakkur
rep.by its President S.Subramanian

... Petitioner

-vs-

1. The Deputy Superintendent of Police,
Cheranmahadevi, Tirunelveli District.
2. The Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent by his impugned proceedings in Na.Ka.No.06/Se.Mu.Aa./Ka.Thu.Ka/Cherai/2017 dated 20.01.17 and quash the same in respect of rejecting the permission to conduct Orchestra alone and consequently direct the respondents to grant permission and protection for conduct Orchestra on 01.02.17 at 9 pm in Arulmighu Sri Muppudathi Ambal Sri Santhanamari Ambal Thirukovil, Gopalasamudram, Vadakkur Village, Gopalasamudram, Tirunelveli District.

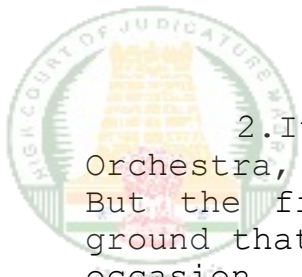
For Petitioner : Mr.H.Arumugam

For Respondents : Mr.M.Govindan
Special Government Pleader

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order dated 20.01.2017 passed in Na.Ka.No.06/Se.Mu.Aa./Ka.Thu.Ka/Cherai/2017 by the first respondent and quash the same by way of issuing a Writ of Certiorarified Mandamus.



2.It is averred in the petition that for conducting Orchestra, a requisition has been given to the respondents 1 and 2. But the first respondent has rejected the request mainly on the ground that during previous years, against some persons, in the same occasion, various criminal cases have been instituted, by way of passing the impugned order and in order to quash the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner has contended that the criminal cases alleged to have been instituted on the side of the respondents are not in connection with the Orchestra conducted in the village mentioned in the petition and the same have been instituted in different villages. Under the said circumstances, the conclusion arrived at by the first respondent is erroneous and therefore, the impugned order is liable to be quashed.

4.The learned Special Government Pleader appearing for the respondents has contended to the effect that during previous years, three criminal cases have been instituted against some persons who are residing in neighboring villages.

5.Considering the reason given by the first respondent for rejecting the requisition made on the side of the petitioner and also considering the fact that criminal cases have been instituted against the persons who are residing in neighboring villages, this Court is of the view that the rejection order passed by the first respondent is erroneous and the same is liable to be quashed.

6.In fine, this Writ Petition is allowed without cost and the order dated 20.01.2017 passed in Na.Ka.No.06 /Se.Mu.Aa./ Ka.Thu.Ka/Cherai/2017 is quashed. However, the first respondent is directed to give necessary permission for conducting Orchestra on 01.02.2017 in the place mentioned in the petition.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Cheranmahadevi, Tirunelveli District.
2. The Inspector of Police,
Munneerpallam Police Station,
Munneerpallam, Tirunelveli District.

+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 4565

MJ

TE/SV-MMS/SAR-II : 30/01/2017 : 2P/4C (IT)

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