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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2017

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THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.504 of 2017

S.Sarojini

... Petitioner

-vs-

1.The Superintendent of Police,
Tiruneveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
Ambasamuthiram Region,
I/c. Tenkasi,
Tirunelveli District.

3.The Sub Inspector of Police,
Sampavarvadakarai Police Station,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the rejection impugned order in Na.Ka.No./05/thu.kaa.ka.they.a/2016 dated 05.01.2017 passed the 2nd respondent and quash the same and consequently direct the 2nd respondent to grant permission to perform the sports program scheduled to be held on 14.01.2017 and 15.01.2017 in connection Pongal Festival at Velayuthapuram Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.T.Chandrasekaran

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 05.01.2017 passed in Na.Ka.No./05/thu.kaa.ka.they.a/2016 by the second respondent and quash the same by way of issuing a Writ of Certiorarified Mandamus.



2.It is averred in the petition that the petitioner is a resident of Velayuthapuram village, Tenkasi Taluk, Tirunelveli District. Further it is averred in the petition that every year on the eve of Pongal, sports programmes are conducted in the village mentioned in the petition. Under the said circumstances, permission has been sought from the second respondent. But the second respondent has rejected the same by way passing the impugned order dated 05.01.2017 and in order to quash the same, the present Writ Petition has been filed.

3.The learned Senior Counsel appearing for the petitioner has advanced his argument on the basis of the averments made in the petition.

4.The learned Special Government Pleader appearing for the respondents has contended that in similar programme, in the year 2015, some untoward occurrence has taken place and consequently certain criminal cases have been registered and therefore, permission sought by the petitioner has rightly been rejected by the second respondent. Under the said circumstances the impugned order passed by the second respondent need not be quashed.

5.On the basis of the representation made on the side of the respondents, with regard to the occurrence alleged to have been taken place in the year 2015, certain criminal cases have been registered. The contention put forth on the side of the petitioner is that sports programme for children are going to be conducted on 14.01.2017 and 15.01.2017 on the eve of Pongal. But the request of the petitioner has been rejected by the second respondent.

6.Considering the fact that the occurrence mentioned on the side of the respondents has taken place in the year 2015 and also considering the nature of programme going to be performed on 14.01.2017 and 15.01.2017, this Court is of the view that the order passed by the second respondent is totally improper and the same is liable to be quashed.

7.In fine, this Writ Petition is allowed in part without cost. The impugned order dated 05.01.2017 passed in Na.Ka.No./05/thu.kaa.ka.they.a/2016 by the second respondent is quashed. However, the second respondent is directed to reconsider the request of the petitioner and pass suitable orders immediately.

Sd/-

Assistant Registrar (CS I)



To

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
Ambasamuthiram Region,
I/c. Tenkasi,
Tirunelveli District.

3.The Sub Inspector of Police,
Sampavarvadakarai Police Station,
Tirunelveli District.

+1cc to Mr.T.Chandrasekaran, Advocate in SR No.2480

W.P(MD) No.504 of 2017

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