



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.01.2017

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THE HON'BLE MR.JUSTICE B.GOKULDAS

W.P(MD)No.521 of 2017

S.Arumugam

... Petitioner

vs.

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

2. The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Tenkasi Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent in his order dated 07.01.2017 and quash the same as it is non application of mind and consequently directing the Respondents to grant permission to Celebrate "Pongal Vizha Festival" at Pavoorchathiram Village, Tenkasi Taluk, Tirunelveli District, on 14.01.2017.

For Petitioner : Mr. Ananth C.Rajesh
For Respondents : Mr.K.P.Krishnadoss
Government Advocate

ORDER

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent in his order dated 07.01.2017 and quash the same as it is non application of mind and consequently directing the Respondents to grant permission to Celebrate "Pongal Vizha Festival" at Pavoorchathiram Village, Tenkasi Taluk, Tirunelveli District, on 14.01.2017.

2.Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/> 3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



4. The learned counsel appearing for the petitioner would submit that the village people celebrating the temple festival every year in a peaceful manner. Likewise, they decided to conduct the festival this year also and further, they decided to conduct Pongal Vizhal Festival on 14.01.2017. The petitioner would further submitted that he gave an application to the second respondent on 07.01.2017, seeking permission and for adequate police protection for the festival as well as for conducting the Pongal Vizha Festival on 14.01.2017. However, the 2nd respondent police rejected the application to grant permission and provide police protection at the time of conducting the festival. Hence, the petitioner is before this Court with this writ petition.

5. The learned Government Advocate appearing for the respondent would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of communal and law and order problem.

6. However, the rejection order dated 07.01.2017 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that ground, the impugned order is set aside. The 2nd respondent police shall consider the representation of the petitioner dated 07.01.2017 afresh, and pass orders, upon the prevailing situations on or before 13.01.2017, as the said programme is scheduled to be held on 14.01.2017.

8. With the above direction, this Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintendent of Police, Tirunelveli District, Tirunelveli.
 2. The Sub-Inspector of Police, Pavoorchathiram Police Station, Pavoorchathiram, Tenkasi Taluk, Tirunelveli District.
- +1cc to M/s. Ananth C. Rajesh, Advocate, in SR No. 2123.
- +1cc to Special Government Pleader in SR.No. 2343