



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.5287 of 2017

S.Mathialagan

.. Petitioner

Vs.

The Sub Inspector of Police,
Nadukavery Police Station,
Thiruvaiyaru Taluk, Thanjavur District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to grant permission to perform the cultural program of Adal Padal on 29.03.2017 at about 07.00 p.m. to 11.00 p.m. at Arulmigu Veerasingampettai Mariamman Thirukovil, at Melatheru, Veerasingampettai, Thiruvaiyaru Taluk, Thanjavur District and to provide adequate police protection based on representation of the petitioner dated 22.03.2017.

For Petitioner : Mr.S.Bharathi

For Respondent : Mr.M.Govindan,
Special Government Pleader.

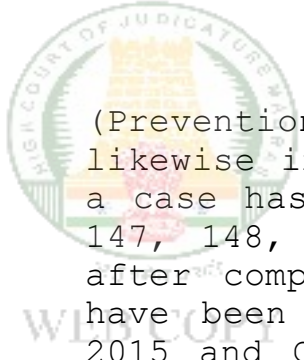
ORDER

[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 direct the respondent to give necessary permission for conducting Adalpadal programme on 29.03.2017 in the place mentioned therein, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondent.

3.The learned Special Government Pleader appearing for the respondent has contended to the effect that even in the year 2015, a communal clash has occurred and due to that a case has been registered in Crime No.13 of 2015 under Sections 147, 148, 294(b), 324, 308(1) of the Indian Penal Code and Sections 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes



(Prevention of Atrocities) (Amendment) Ordinance Act, 2014 and likewise in the same year another communal clash has occurred and a case has been registered in Crime No.15 of 2015 under Sections 147, 148, 294(b), 324 and 506(ii) of the Indian Penal Code and after completing investigation in both the cases, final reports have been filed and subsequently taken on file in S.C.No.86 of 2015 and C.C.No.98 of 2015 and under the said circumstances the respondent has not been able to give necessary permission for conducting Adalpadal programme.

4.On the basis of the objection raised on the side of the respondent, this Court has perused the concerned Case Diary Files relating to Crime Nos.13 of 2015 and 15 of 2015 and admittedly the occurrences have takenplace in the year 2015. Since the occurrences mentioned in Crime Nos.13 of 2015 and 15 of 2015 have takenplace in the year 2015, the same cannot be a basis for not granting permission to conduct the programme mentioned in the petition. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed in part without costs and the respondent is directed to look into the representation dated 22.03.2017 and dispose of the same on merits within a period of two days. If the respondent grants permission and if there is any infraction at the time of conducting Adalpadal programme, the respondent is directed to take appropriate legal action against the wrongdoers.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Sub Inspector of Police,
Nadukavery Police Station,
Thiruvaiyaru Taluk,
Thanjavur District.

+1cc to Mr.S.Bharathi, Advocate, SR No.17937

ORDER MADE IN
W.P(MD) No.5287 of 2017
27.03.2017

smn