



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **23.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.836 of 2017

and

W.M.P(MD)No.688 of 2017

S.Justin Thiraviam

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Cherenmahadevi, Tirunelveli District.

3.The Inspector of Police,
Mukkudal Police Station,
Cheranmahadevi Taluk,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.04/Se.Mu.Aa/Ka.Thu.Ka/Cherai/2017, dated 07.01.2017 and quash the same as illegal and consequently direct the second respondent to permit the petitioner to conduct Musical Concert (Innisai Katcheri) on 25.01.2017 and 26.01.2017 at night from 08.00 p.m. to 12.00 p.m. at St.Chinnapar Church Campus, Singamparai in pursuance of festival of St.Chinnapar Church, Singamparai, Mukkudal Via., Cherenmahadevi Taluk, Tirunelveli District.

For Petitioner

: Mr.S.R.Anbarasu

For Respondents

: 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 call for records relating to the proceedings dated 07.01.2017 passed in Na.Ka.No.04/Se.Mu.Aa/Ka/Thu.Ka/Cherai/2017 by the second respondent and quash the same,



by way of issuing a writ of certiorarified mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that in every year festival has been conducted in the Church mentioned in the petition, but the second respondent without considering the customary practice, has erroneously dismissed the representation given by the petitioner by way of issuing the impugned proceedings and therefore the same is liable to be quashed.

3.The learned Special Government Pleader appearing for the respondents has also equally contended that in previous years namely 2004, 2013 and 2015, some criminal cases have been registered and under the said circumstances the second respondent has rightly rejected the request made on the side of the petitioner.

4.Considering the fact that the occurrences are said to have taken place in the years mentioned supra and also considering that every year such festival has been conducted in the Church mentioned in the petition, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the proceedings dated 07.01.2017 passed in Na.Ka.No.04/Se.Mu.Aa/Ka/Thu.Ka/Cherai/2017 by the second respondent is quashed. The petitioner is directed to give a fresh representation to the second respondent and the second respondent is directed to look into the same and pass appropriate orders within a period of three days. Consequently, connected Miscellaneous Petition is closed.

SD

ASST REGISTRAR (WRITS)

TRUE COPY

SUB ASST REGISTRAR

smn

To

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Cherenmahadevi, Tirunelveli District.
- 3.The Inspector of Police, Mukkudal Police Station,
Cheranmahadevi Taluk, Tirunelveli District.

1CC TO MR. S.R. ANBARASU, ADVOCATE SR: 3524
MS SS 3 SAR 3 23 1 2017

**ORDER MADE IN W.P(MD)No.836 of 2017
and W.M.P(MD)No.688 of 2017
23.01.2017**