



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.8836 of 2017
and
W.M.P.(MD).No.6778 of 2017

S.N.Kumaresan

... Petitioner

vs.

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

2.The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order of the 2nd respondent dated 29.04.2017 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal program in connection with "Chithirai Thiruvizha" scheduled to be held on 11.05.2017 at Arulmigu Sri Kallalagar Thirukovil at South Street, Upparpatti Village, Theni District.

For Petitioner : Mr.R.Karthick Rajan

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

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 29.04.2017 passed by the second respondent herein and for consequential direction to the respondents to grant permission and protection for Adal Padal program in connection with "Chithirai Thiruvizha" scheduled to be held on 11.05.2017 at Arulmigu Sri Kallalagar Thirukovil, South Street, Upparpatti Village, Theni District.



2. Learned counsel for the petitioner submitted that the petitioner is the resident of the said village and that he is a member of the Chithirai Thiruvizha festival committee. The said festival is being conducted in Arulmigu Sri Kallalagar Thirukovil by the petitioner from time immemorial. The festival is scheduled to be held from 09.05.2017 to 11.05.2017. The petitioner and other villagers have decided to organise "Aadal Padal programme" at South Street, Upparpatti Village, Theni District, in connection with Arulmigu Sri Kallalagar Temple Chithirai Festival. The programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period. Therefore, the petitioner submitted a representation, dated 29.04.2017 to the respondents, requesting them to grant permission therefor. The said representation has been rejected by way of the present impugned order, without assigning any valid reason and hence, challenging the same, the petitioner has filed the present writ petition for the above mentioned relief.

3. Heard the learned Special Government Pleader appearing for the respondents on the above submissions made by the learned counsel for the petitioner.

4. A perusal of the impugned order shows that the permission sought for by the petitioner has been rejected without assigning any valid reason. Further, this order cannot be sustained as it is a blanket order refusing permission for particular area. Absolutely, there is no justification in the order passed by the second respondent. Considering the same, this Court passes the following order:-

"The impugned order dated 29.04.2017 is set aside and the 2nd respondent is directed to grant permission to the petitioner to conduct "Aadal Padal programme" at South Street, Upparpatti Village, Theni District, in connection with Arulmigu Sri Kallalagar Temple Chithirai Festival, subject to the following conditions:

i) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

ii) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

iii) The dance performance shall be restricted between 6.00 p.m and 11.00 p.m. on 11.05.2017.

iv) If there is any violation of the above said conditions, the 2nd respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

5. This Writ Petition is accordingly allowed. No costs.



Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True copy/

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Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Theni District, Theni.
- 2.The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.
- 3.The Special Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.KARTHICRAJAN, Advocate, SR No. 56144

PSM/SV/SAR4/10.05.2017/3P/5C

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