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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.8886 of 2017

P.Chinnadurai

... Petitioner

vs.

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

2.The Sub-Inspector of Police,
Thiruchendure Police Station,
Thiruchendure, Thoothukudi 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 of the second respondent pertaining to the proceedings dated 04.05.2017 and quash the same and further direct the second respondent to grant permission and protection for cultural event namely "Adal Padal" program going to be held on 18.05.2017 at night in the Eve of Kodai Vizha festival of Arulmighu Sri Mutharamman Kovil situated at North Paramankuruchi Village, Thiruchendure Taluk, Thoothukudi District.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.V.Muruganandham,
Additional Government Pleader

O R D E R

(Order of the Court was made by **T.RAJA, J**)

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent, pertaining to his proceedings dated 04.05.2017, and quash the same and further direct the second respondent to grant permission and protection for the cultural event namely "Adal Padal" program, which is going to be held on 18.05.2017 at night in the Eve of Kodai Vizha festival of Arulmighu Sri Mutharamman Kovil situated at North Paramankuruchi Village, Thiruchendure Taluk, Thoothukudi District.

2. Learned counsel for the petitioner submitted that the petitioner is the resident of the said village and he is a member of the Executive Committee of Arulmighu Sri Mutharamman Kovil. The said Kodai Vizha festival is being conducted in Arulmighu Sri Mutharamman Kovil from time immemorial. The festival is scheduled to be held on 18.05.2017. The petitioner and other villagers have decided to organise "Aadal Padal programme" at North Paramankuruchi Village, Thiruchendure Taluk, Thoothukudi District in connection with Arulmighu Sri Mutharamman Kovil 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 02.05.2017 to the second respondent, requesting him 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. We do not find any justification or application of mind of the second respondent. Considering the same, this Court passes the following order:-

"The impugned order dated 04.05.2017 is set aside and the 2nd respondent is directed to grant permission to the petitioner to conduct "Aadal Padal programme" at North Paramankuruchi Village, Thiruchendure Taluk, Thoothukudi District in connection with Arulmighu Sri Mutharamman Kovil festival, subject to the following conditions:

i)The event shall be conducted in an organized 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 18.05.2017.

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.

Sd/-

Vacation officer

/True Copy/

Sub Assistant Registrar

To

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

2.The Sub-Inspector of Police, Thiruchendure Police Station,
Thiruchendure, Thoothukudi District.

+1cc to The Special Government Pleader, Madurai Bench of Madras High Court, Madurai, SR.56289

+1cc to Mr.A.Robinson, Advocate, SR.56188/17

W.P (MD) No.8886 of 2017

10.05.2017