

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2017

CORAM :

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

W.P(MD)No.8903 of 2017

S.Manikandan ... Petitioner

vs.

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

2.The Inspector of Police,
Madukkur Police Station,
Madukkur, Thanjavur 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 relating to the impugned order passed by 2nd respondent in Na.Ka.No./U.Kaa.Ka/Mukam/Pattu/2017 dated 06.05.2017, quash the same as illegal and arbitrary and consequently direct the respondents to grant permission and necessary protection to perform dance programme Adalum Padalum on the eve of Arulmigu Sir Muthu Mariayamman Temple Festival at Madukkur North Post, Pattukottai, Thanjavur District which is to be held on 18.05.2017.

For Petitioner : Mr.A.S.Vaigunth
For Respondents : Mr.V.Muruganantham
Additional Government Pleader.

O R D E R

[Order of the Court was made by T.RAJA, J.]

Heard Mr.A.S.Vaigunth, counsel for the petitioner and Mr.V.Muruganantham, Additional Government Pleader appearing for the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. When the petitioner came before this Court on earlier occasion, by filing a writ petition in W.P.(MD) No.8635/2017 with the same prayer for issuance of a Writ of Mandamus, directing the same Inspector of Police, Madukkur Police Station, to grant permission and necessary protection to perform dance programme

Adalum Padalum on the eve of Arulmigu Sir Muthu Mariayamman Temple Festival, this Court considered the genuine request of the petitioner, partly allowed the Writ Petition and directed the very same respondent to look into the representation dated 26.04.2017. However, the present impugned order has been wrongly passed by the 2nd respondent.

4. On a perusal of the impugned order, it does not show that the village, in which, they are going to celebrate the village festival is facing any law and order problem or public nuisance and by giving permission to celebrate the village festival would deteriorate the present situation. Therefore, this Court, considering the seriousness shown by the petitioner by repeatedly approaching this Court by filing two Writ Petitions, keeping in mind, there is no impediment in granting permission to celebrate the festival, hereby sets aside the impugned order, which has been passed without application of mind.

5. Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to grant permission to the petitioner to celebrate the festival. No costs.

Sd/-
Vacation Officer

/True copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Madukkur Police Station,
Madukkur, Thanjavur District.

+1cc to M/S.A.S.VAIGUNTH, ADVOCATE SR.No.56244
+1cc to M/S.SPECIAL GOVT.PLEADER SR.No. 56490

mkv-rsk-SAR.3/12.5.2017/2P:5C

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11.05.2017