

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.24057 of 2018

Lalith Kumar

... Petitioner

Vs.

The Assistant Commissioner of Police,
Kilpauk Range,
Kilpauk,
Chennai-600 010.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue of a writ of Certiorari Mandamus to call for the records in R.C.No.24/SAL/K-6 p.s/2018 dated 09.09.2018 on the file of the respondent and to quash the same and consequently direct the respondent to grant permission to celebrate Lord Vinayagar Visarjana Festival function commencing from 13.09.2018 to 19.09.2018 at R.V.Nagar Main Road, 'D' Block, II Street Junction, Anna Nagar East, Chennai 600 102.

For Petitioner : Mr.Dr.G.Krishnamurthy

For Respondents : M/s.M.Prabhavathi
Addl. Public Prosecutor

O R D E R

This petition has been filed to set aside the order passed by the respondent in R.C.No.24/SAL/K-6 P.s/2018 dated 09.09.2018 on the file of the respondent and to direct the respondent to grant permission to celebrate Lord Vinayagar Visarjana Festival function commencing from 13.09.2018 to 19.09.2018 at R.V.Nagar Main Road, 'D' Block, II Street Junction, Anna Nagar East Chennai-600 102.

2. The learned counsel for the petitioner has submitted that with a view to celebrate Lord Vinayagar Visarjana Festival function commencing from 13.09.2018 to 19.09.2018 at R.V.Nagar Main Road, 'D' Block, II Street Junction, Anna Nagar East Chennai-600 100, the petitioner herein has submitted a representation to the respondent on 08.09.2018. He further submitted that the respondent without considering the

petitioner's representation, has mechanically rejected the said representation and refused to give permission for celebrating the above festival. He further submitted that the respondent has cited a reason that already a case has been registered in the last year. But the said case has been stayed by this Court and therefore the reason stated by the respondent for not granting permission to the petitioner is not acceptable.

3. The learned Additional Public Prosecutor has submitted that since in the previous year, a law and order problem has arisen, a case was registered in Crime No.897 of 2017 under sections 143 and 188 of IPC in T.P.Sathiram police station. She further submitted that the petitioner has to deposit some amount to the Electricity Board as per the G.O.Ms.No.598/2018, but he has not complied with the said condition and therefore, the aforesaid petition may be dismissed.

4.The order passed by the respondent dated 09.09.2018 is perused. In the said order, the respondent has stated that in the last year, a case was registered in Crime No.897 of 2017 Under section 143 and 188 of IPC and hence if any permission is granted, this year also, a law and order problem may arise.

5. In the said order itself, he has stated that the further proceeding in the aforesaid case was stayed by this Court and therefore it would not be proper to reject the petitioner's request citing the pendency of the aforesaid case. Hence the impugned order is set aside.

6. The learned counsel for the petitioner has submitted that the petitioner is prepared to deposit the amount whatever fixed by the electricity board and hence, he requests to direct the respondent to give permission to the petitioner for celebrating the above festival.

7.Since the petitioner is prepared to pay the amount to the electricity board, on production of the proof for such payment, the respondent has to consider the petitioner's representation and pass order in accordance with law if necessary by imposing reasonable restrictions.

8. With the above directions, this petition is disposed of . No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kyl/msrm

To

1. The Assistant Commissioner of Police,
Kilpauk Range,
Kilpauk,
Chennai-600 010.

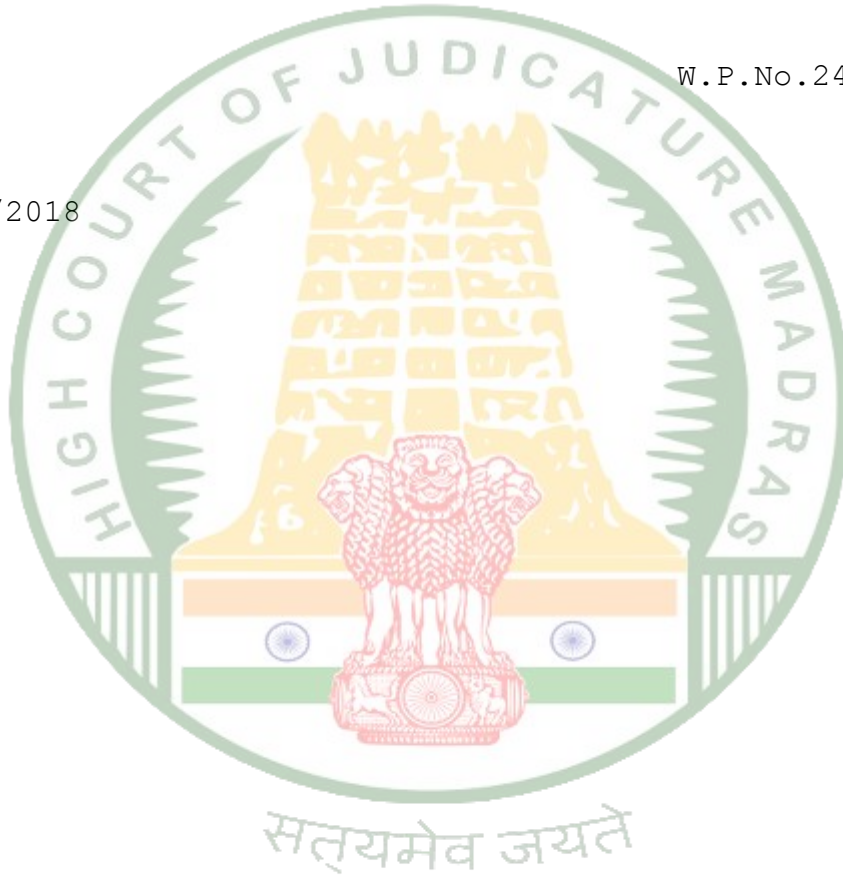
2. The Public Prosecutor,
High Court, Madras.

+lcc to Dr.Krishnamoorthy, Advocate, S.R.No.63557

W.P.No.24057 of 2018

AK(CO)

rrs 12/09/2018



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