



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5671 of 2018

P.Gopi

... Petitioner

-Vs-

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

2.The Inspector of Police,
Gudalur Police Station,
Theni District. .

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order in C.No.19/MIKE/K5PS/18, dated 13.03.2018 passed by the second respondent and quash the same and consequently direct the second respondent to grant permission and protection to perform cultural Adalpadal program scheduled to be held on 28.03.2018 pursuant "Temple Festival" in Arulmigu Sri Kalamman Kovil at Gudalur Village, Theni District.

For Petitioner : Mr.A.K.Azhagarsamy

For Respondents : Mr.N.Shanmuga Selvam,
Additional Government Pleader.

O R D E R

This writ petition has been filed by the petitioner to call for the records relating to the rejection order in C.No.19/MIKE/K5PS/18, dated 13.03.2018 passed by the second respondent and quash the same and consequently direct the second respondent to grant permission and protection to perform cultural Adalpadal program scheduled to be held on 28.03.2018 pursuant "Temple Festival" in Arulmigu Sri Kalamman Kovil at Gudalur Village, Theni District.

2.Heard Mr.A.K.Azhagarsamy, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner has submitted that with a view to celebrate the temple festival of Arulmigu Sri Kalamman Kovil at Gudalur Village, Theni District, the



petitioner gave a representation before the second respondent on 12.03.2018, seeking permission and police protection for conducting Adalpadal programme on 28.03.2018, but the second respondent has rejected the said representation by his order dated 13.03.2018, without assigning any valid reasons and hence, the learned counsel for the petitioner requested to set aside the impugned order and direct the second respondent to give permission and also police protection for performing the aforesaid programme.

4.The learned Additional Government Pleader has submitted that the second respondent, after considering the petitioner's request and the ground reality, has rejected the same by the impugned order.

5.The impugned order is perused. In the said order, the second respondent has stated that there is a law and order problem and also the people belonging to different communities are residing there and hence, the petitioner's request has been rejected. Merely because people belonging to different communities are residing there, it cannot be a ground for rejecting the petitioner's request. In so far as the law and order problem is concerned, he has not cited any specific incidents and hence, the impugned order dated 13.03.2018 is set aside. The second respondent is directed to consider the representation submitted by the petitioner, dated 12.03.2018 and pass appropriate orders by assigning valid reasons. At the time of passing order, the respondent has to keep in mind the decision of the Hon'ble Supreme Court of India in the case of Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors, reported in 2001 - 1 - L.W. (Crl.) 233.

7.With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police, Gudalur Police Station,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.A.K.Azhagarsamy, Advocate, SR.No. 56139

+1CC to the Special Government Pleader SR.No.56855

W.P.(MD) No.5671 of 2018

cp

AM/RSK/SAR 4/21.03.2018/2P/6C