



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.7561 of 2018
and
WMP (MD)No.7206 of 2018

A.Muthuvel

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli.

2.The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus to call for the records of the impugned proceedings of the second respondent bearing Na.Ka.NO.137/Se.Mu.A/Ka.Thu.Ka/2018, dated 07.03.2018 quash the same and consequently direct the second respondent to grant permission to conduct light music orchestra in the name of "Innisaikatcheri" on 12.04.2018 on the 8th day festival of Shri Papanasaswamy temple at Papanasam, Tirunelveli District.

For Petitioner	: Mr.S.Siva Ilayaraja
For Respondents	: Mr.P.Kannidevan, Additional Government Pleader

O R D E R

This writ petition has been filed seeking to quash the impugned order passed by the second respondent, dated 07.03.2018 and consequently direct the second respondent to grant permission to conduct light music orchestra in the name of "Innisaikatcheri" on 12.04.2018 on the 8th day festival of Shri Papanasaswamy temple at Papanasam, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, the petitioner made a representation to the respondent police for granting permission to conduct Innisai Katcheri to be held on 12.04.2018. The said representation was rejected by the second respondent police on the ground that if the permission is granted there is a likelihood of



communal clash between different communities and also there will be a hindrance to free flow of Traffic as well as to the public.

4.The learned counsel for the petitioner would submit that the respondent police has granted permission to the Nadar Community. Therefore, the impugned order for rejection passed by the respondent is arbitrary and discriminatory and hence, the same is liable to be quashed.

5.The learned Additional Government Pleader appearing for the respondents on instructions would submit that the petitioner has not accepted the conditions imposed by the respondent police, whereas, the other community people had accepted the conditions and therefore, they have granted the permission.

6.In view of the rival submissions made by both sides and also considering the submission of the learned Additional Government Pleader that the respondent police has granted permission for the same festival, for the same temple to the other community people, to conduct the programme on different dates by imposing certain conditions, the petitioner also undertakes to abide by the conditions imposed by the authority. Hence, the impugned order passed by the second respondent in Na.Ka.No.137/Se.Mu.A/Ka.Thu.Ka/2013, dated 07.03.2018 is quashed. The second respondent is directed to consider the representation submitted by the petitioner afresh and pass appropriate orders on merits and in accordance with law on or before 12.04.2018 at 11.00 a.m., by taking note of the order passed by this Court in WP(MD) No.7043 of 2018 dated 02.04.2018.

7.With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police, Tirunelveli.

2.The Deputy Superintendent of Police, Ambasamudram,
Tirunelveli District.

+1CC to Mr.S.Siva Ilayaraja, Advocate, SR.No. 60752

W.P. (MD) No.7561 of 2018
11.04.2018