



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P.(MD)No.9571 of 2018
and
W.M.P.(MD).Nos.8822 and 8823 of 2018

M.A.Ramakrishnan : Petitioner
Vs.

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

2.The Inspector of Police,
P.C.Patti Police Station,
Theni District.

3.The Sub Inspector of Police,
P.C.Patti Police Station,
Theni District.

: Respondents

PRAYER: 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 pertaining to the order made in C.No. / Mike/C1 PS/TNI/2018, dated 18.04.2018 issued by the third respondent and quash the same and consequently direct the respondents to give permission for conducting the "Aadal Padal Show" at the evening hours on 03.05.2018 in the light of 'Arulmigu Pathirakali Amman Chithirai Pongal Festival' at Pathirakalipuram Village, Bodinayakanur Taluk, Theni District.

For Petitioner : Mr.M.Kaliraj
For Respondents : Mr.M.Karuppasamy
Government Advocate

O R D E R

The petitioner has come forward with the present Writ Petition seeking a Writ of Certiorarified Mandamus call for the records pertaining to the order made in C.No./Mike/C1 PS/TNI/2018, dated 18.04.2018 issued by the third respondent and quash the same and consequently direct the respondents to give permission for conducting the "Aadal Padal Show" at the evening hours on 03.05.2018 in the light of 'Arulmigu Pathirakali Amman Chithirai Pongal Festival' at Pathirakalipuram Village, Bodinayakanur Taluk, Theni District.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. By consent of parties, writ petition itself is taken for final disposal.

3. According to the petitioner, for previous years, by orders dated 28.04.2015, 26.04.2016 and 28.04.2017, permission has been granted by the respondents to conduct the said Adalpadal cultural programme during the festival of 'Arulmigu Pathirakali Amman Chithirai Pongal Festival' at Pathirakalipuram Village, Bodinayakanur Taluk, Theni District. Hence, this year also the petitioner made a representation dated 18.04.2018 to the respondents to grant permission and protection for conducting the Adalpadal cultural programme on 03.05.2018 at evening hours. But, the 3rd respondent, has rejected the said representation on 18.04.2018 itself, without assigning any reason. According to the petitioner, the said order passed by the respondent is illegal and totally non-application of mind. Therefore the impugned order passed by the 3rd respondent is liable to be quashed. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

4. The learned Government Advocate appearing for the respondents submitted that a perusal of the impugned order shows that the respondent does not stated any reason for the rejection of the petitioner's representation dated 18.04.2018. He further submitted that there is no criminal case has been registered against the petitioner's committee in the previous years in this regard. Therefore, this Court may pass appropriate orders to consider the petitioner's representation on merits and in accordance with law.

5. Considering the submission made by both parties and perusal of the impugned order passed by the third respondent, it is clear that the 3rd respondent has not properly considered the representation of the petitioner dated 18.04.2018 and simply rejected the same without any reasons. Therefore, since the said order is cryptic and non-speaking order, this Court has no hesitation to quash the said proceedings of the 3rd respondent dated 18.04.2018. It is also brought to the knowledge of this Court by the learned counsel for the petitioner that in the previous years, for the same cultural programme, permission has been granted by the respondents and therefore, without considering the orders of the previous years, the 3rd respondent has passed the present impugned order. Hence, the same is liable to be quashed.

6. Accordingly, the impugned order dated 18.04.2018 passed by the third respondent is hereby quashed and this Court directs the third respondent to consider the petitioner's representation dated 18.04.2018 afresh and pass appropriate orders on merits and in accordance with law, by taking into consideration of the conditions imposed by this Court in W.P.(MD)No.7911 of 2018, dated 12.04.2018, on or before 01.05.2018. It is also open to the petitioner to file additional materials, if any, before the third respondent for



granting permission to conduct the cultural programme during the above said period along with a copy of this order.

7. This writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
P.C.Patti Police Station,
Theni District.

3.The Sub Inspector of Police,
P.C.Patti Police Station,
Theni District.

+1cc to M/S.M.Kaliraj, Advocate SR.No. 63670
+1cc to Special Government Pleader, SR.No. 64189

W.P. (MD) No.9571 of 2018
26.04.2018

pjl
JM/SV MMS/SAR 4/28.04.2018/3P/6C