



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P.(MD)No.7735 of 2018
and W.M.P.(MD) No.7348 of 2018

E.Paramasiva Theerthapathy

... Petitioner

Vs.

1.The Deputy Superintendent of Police
Ambasamudram Subdivision,
Ambasamudram, Tirunelveli District.

2.The Inspector of Police
Kadayam Police Station,
Kadayam, Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the first respondent herein in Na.Ka.No.189/Se.Mu.AA/Kaa.Thu.Ka/2018 dated 2.4.2018 and quash the same as illegal and for consequential direction directing the respondents 1 and 2 herein to pass orders afresh on the petition given by the petitioner dated 30.03.2018 with regard to the functions and Kodai Vizha festival to be celebrated for the Keezha Ambur Arulmigu Sri Mutharamman Temple situated at East Street of Keezha Ambur Village, Ambasamudram Taluk, Tirunelveli District for the period from 17.04.2018 to 24.04.2018 in the light of the Orders to be passed by this Court.

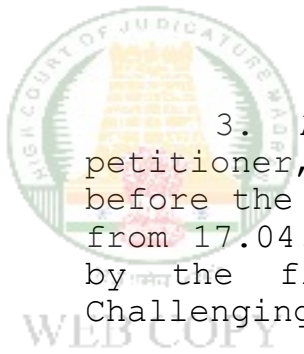
For Petitioner	: Mr.S.P.Maharajan
For Respondents	: Mr.Karuppasamy Government Advocate

O R D E R

This writ petition has been filed for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the first respondent herein in Na.Ka.No.189/Se.Mu.AA/ Kaa.Thu.Ka/2018 dated 02.04.2018 and quash the same as illegal and for consequential direction directing the respondents 1 and 2 herein to pass orders afresh on the petition given by the petitioner dated 30.03.2018 with regard to the functions and Kodai Vizha festival to be celebrated for the Keezha Ambur Arulmigu Sri Mutharamman Temple situated at East Street of Keezha Ambur Village, Ambasamudram Taluk, Tirunelveli District for the period from 17.04.2018 to 24.04.2018 in the light of the Orders to be passed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel appearing on either side.



3. According to the learned counsel appearing for the petitioner, the petitioner made a representation dated 30.03.2018 before the respondents to grant permission for conducting programme from 17.04.2018 to 24.04.2018. The said representation was rejected by the first respondent by impugned order dated 02.04.2018. Challenging the impugned order, the petitioner is before this Court.

4. The impugned order was passed for the reasons that there are many Community people in the locality and there is likelihood to create a law and order problem in the locality and there is chance for creating communal problem; there is also hindrance to the public and free flow of traffic in the same locality; the Police Standing order was in force in that area; if cultural programmes are conducted, it would make nuisance to the students, who are writing their Examinations; and that it would cause disturbance to the old age people.

5. According to the learned counsel for the petitioner, insofar as the first reason is concerned, the first respondent has to consider the same by providing opportunity of hearing to the parties concerned and if the first respondent is satisfied that there is no likelihood of law and order and problem and communal clash, the first respondent may be directed to consider the request of the petitioner and to grant permission, subject to obtaining necessary affidavit from the petitioner.

6. The others condition Nos. 2 to 7 are concerned, the petitioner has already given a fresh representation dated 10.04.2018 to the respondents 1 and 2 and along with that representation, the petitioner has given an assurance that they will not violate the conditions and they will abide by the said conditions and there will be no violation in the said conditions, if the permission is granted by the authorities concerned.

7. In the light of the above, the impugned order passed by the first respondent is quashed. The first respondent is directed to consider the petitioner's fresh representation dated 10.04.2018 on merits and in accordance with law by taking into consideration of the abovesaid submissions made by the petitioner. The said exercise shall be done by the first respondent on or before 16.04.2018. The copy of the representation shall be enclosed with the order copy.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.7348 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/



To,

1. The Deputy Superintendent of Police, Ambasamudram Subdivision,
Ambasamudram, Tirunelveli District.

2. The Inspector of Police, Kadayam Police Station, Kadayam,
Tirunelveli District.

+1cc to M/S.S.P.Maharajan, Advocate SR.No. 60781

W.P. (MD) No. 7735 of 2018
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11.04.2018

cm

JM/SV MMS/SAR 1/12.04.2018/3P/4C