



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.7917 of 2018

Sangankottai Grama Nala Sangam
(Regd. No.140/2014)

"Gramachavadi"

New No.4-3-28, Old No.7/21-9
Sangankottai Chithadi Street,
Sholavandan,
Vadipatti Taluk,
Madurai District-625 212,
Rep. By its Secretary,
K.Vanangamudi.

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
K.Pudhur, Madurai 625 007,
Madurai District.

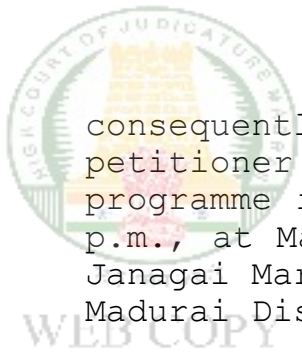
2.The Inspector of Police,
Sholavandan Police Station,
Sholavandan,
Madurai District-625 213.

... 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 relating to the Impugned proceedings, dated 17.03.2018 on the file of the second respondent herein and to quash the same and direct the respondents more particularly the second respondent herein to grant permission to the petitioner and necessary protection to perform the cultural programme ie., Adal Padal on 30.05.2018 between 8.00 p.m. To 11.00 p.m., at Manthaikalam Open Auditorium in the event of Sri Arulmighu Janagai Mariamman Temple Thiruvizha at Sholavandan, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.D.Balamurugapandi,
For Respondents : Mr.P.Kannidevan,
Additional Government Pleader

O R D E R



consequently, direct the Respondents to grant permission to the petitioner and necessary protection to perform the cultural programme ie., Adal Padal on 30.05.2018 between 8.00 p.m., to 11.00 p.m., at Manthaikalam Open Auditorium in the event of Sri Arulmighu Janagai Mariamman Temple Thiruvizha at Sholavandan, Vadipatti Taluk, Madurai 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, he made a representation to the Inspector of Police, Law and Order, Sholavanthan Police Station, Sholavanthan, Madurai District to grant permission to conduct Adal Padal Dance Programme to be held on 30.05.2018. The said application was rejected on 17.03.2018 without giving any opportunity to the petitioner. Challenging the aforesaid order, the present writ petition has been filed.

4. The learned counsel for the petitioner would submit that there is no law and order problem in the said locality and the last year also the programme has been conducted in some other place and not in the similar place. He further submitted that the respondents can enquire into the matter and if necessary, to hear the parties concerned and to give the permission. By relying upon the one incident in the last occasion, the respondent has passed the impugned order, is against the principles of natural justice.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that there is a dispute among the two communities. If any permission is granted, it will affect the rights of the parties and therefore, the petitioner's representation was rightly rejected by the respondents.

6. The learned counsel for the petitioner would submit that if opportunity shall be granted to the petitioner, the petitioner is ready and willing to place the materials before the respondent police and thereafter, consider the said representation.

7. Considering the facts and circumstances of the case, the impugned order passed by the second respondent, dated 17.03.2018 is quashed and the petitioner is directed to make a fresh representation before the Inspector of Police, Sholavandan Police Station, Sholavandan, Madurai District. If any such representation is received, the respondent police has to conduct an enquiry and to hear the any rival groups and there is no objections from any rival groups in the villages, the respondent shall consider the same and pass appropriate orders on merits and in accordance with law, on or before 28.05.2018, by taking into consideration of the conditions imposed by this Court in W.P.(MD)No.7911 of 2018 dated 12.04.2018, if there is no rival claim to conduct the festival.



8. With the above observations, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar (AS)

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/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
K. Pudhur, Madurai 625 007,
Madurai District.

2. The Inspector of Police,
Sholavandan Police Station,
Sholavandan,
Madurai District.

+1CC to Mr. D. Balamurugapandi, Advocate, SR.No. 63679

W.P. (MD) No. 7917 of 2018
26.04.2018

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AM/SV MMS/SAR 4/28.04.2018/3P/4C