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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.(MD)No.8584 of 2018
and
W.M.P(MD)No.8069 of 2018

K.Dharmaraj

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
P.C.Patti Police Station,
Theni 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 relating to the Impugned Order, dated 10.04.2018 of the second respondent and to quash the same and consequently directing the Respondents to grant permission and necessary Police Protection to perform the cultural programme (ie.,) Adal Padal Dance Programme on 29.04.2018 at 7.00 p.m., to 11.00 pm in the Festival of Arulmighu Sri Varatharaja Perumal Thirukovil at Thiruchendur Ammaravathi School Street, Kodangipatti, Theni District.

For Petitioner	: Mr.V.Manikandan,
For Respondents	: Mr.M.Karuppasamy, Government Advocate

O R D E R

This writ petition has been filed seeking to quash the impugned order passed by the second respondent, dated 10.04.2018 and consequently direct the Respondents to grant permission and necessary Police Protection to perform the cultural programme (ie.,) Adal Padal Dance Programme on 29.04.2018 at 7.00 p.m., to 11.00 pm in the Festival of Arulmighu Sri Varatharaja Perumal Thirukovil at Thiruchendur Ammaravathi School Street, Kodangipatti, Theni District.

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

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

3.According to the petitioner, he made a representation to the



Inspector of Police, P.C.Patti Police Station, Theni District to grant permission to conduct Adal Padal Dance Programme to be held on 29.04.2018. The said application was rejected on 10.04.2018 without giving any opportunity to the petitioner. Challenging the aforesaid order, the present writ petition has been filed.

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4.The learned counsel for the petitioner would submit that the said order is non-speaking order and no reason has been stated in the order passed by the respondent and the same is liable to be quashed.

5.The learned Government Advocate appearing for the respondents has filed the counter affidavit and submitted that different communities were living in and around the petitioner's village and therefore, if the permission is granted, it will create a law and order problem and therefore, the petitioner's representation was rightly rejected by the respondents.

6.The Government Advocate appearing for the respondents further submitted that on the date of function, the respondent police in and around the Madurai District, has to be attended for Police Bandobasth in Madurai for Alagar Thiruvizha and if the petitioner has given a fresh representation for modifying the date of function, the respondent police is ready to consider the petitioner's fresh representation and pass orders.

7.The learned counsel for the petitioner undertakes that the petitioner will conduct the programme on 28.04.2018 and also agreed to give a fresh representation to the respondent to that effect.

8.For the reasons stated in the impugned passed by the respondent rejecting the representation of the petitioner on the ground that if the permission is granted, it will create a law and order problem and at the same time, no material has been placed before this Court to substantiate his contention for the rejection.

9.Considering the facts and circumstances of the case, the impugned order passed by the second respondent, dated 10.04.2018 is quashed and the petitioner is directed to make a fresh representation before the Sub Inspector of Police, P.C.Patti Police Station, Theni District, today itself (26.04.2018). If any such representation is received, the Sub Inspector of Police, P.C.Patti Police Station, Theni District shall consider the same and pass appropriate orders on merits and in accordance with law on or before 27.04.2018, after providing opportunity to the parties concerned.

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

Sd/

Assistant Registrar(Crl side)

/True copy/



To

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

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

+1cc to Mr.V.MANIKANDAN, Advocate, SR.No.63779

W.P. (MD) No.8584 of 2018
26.04.2018

AM

KK/SV MMS/26.04.2018/SAR-2/3P-4C