



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P.(MD)No.8728 of 2018

Jamin R.Elango

: Petitioner

Vs.

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

2.The Assistant Superintendent of Police,
Pattukottai,
Thanjavur District.

3.The Inspector of Police,
Thiruchitrambalam Police Station,
Pattukottai,
Thanjavur 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 impugned order passed by the 3rd respondent dated 17.04.2018 and quash the same and consequently direct the 3rd respondent to grant permission to the petitioner to conduct Adal Padal Programme from 20.04.2018 to 29.04.2018 in the eve of Arulmighu Sri Muthumariamman Kovil situated at Punalvasal Village, Pattukottai Taluk, Thanjavur District.

For Petitioner

: Mr.S.Sankar

For Respondents

: Mr.P.Kannidevan

Additional Government Pleader

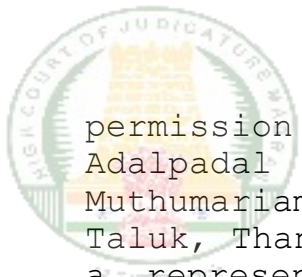
O R D E R

The petitioner has come forward with the present Writ Petition seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent dated 17.04.2018 and quash the same and consequently direct the 3rd respondent to grant permission to the petitioner to conduct Adal Padal Programme from 20.04.2018 to 29.04.2018 in the eve of Arulmighu Sri Muthumariamman Kovil situated at Punalvasal Village, Pattukottai Taluk, Thanjavur District.

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

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

3. According to the petitioner, for previous years,



permission has been granted by the respondents to conduct the said Adalpadal cultural programme during the festival of Arulmighu Sri Muthumariamman Kovil situated at Punalvasal Village, Pattukottai Taluk, Thanjavur District. Hence, this year also the petitioner made a representation dated 17.04.2018 to the respondents to grant permission and protection for conducting the Adalpadal cultural programme from 20.04.2018 to 29.04.2018. But, the 3rd respondent, has rejected the said representation on 17.04.2018 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 Additional Government Pleader 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 17.04.2018. 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 17.04.2018 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 17.04.2018. 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 17.04.2018 passed by the third respondent is hereby quashed and this Court directs the third respondent to consider the petitioner's representation dated 17.04.2018 afresh and pass appropriate orders on merits and in accordance with law on or before 23.04.2018. 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.

Sd/
Assistant Registrar (AD-II)

/True copy/



To

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

2.The Assistant Superintendent of Police,
Pattukottai,
Thanjavur District.

3.The Inspector of Police,
Thiruchitrambalam Police Station,
Pattukottai,
Thanjavur District.

+1cc to Mr.S.SANKAR, Advocate, SR.No.62506

W.P. (MD) No.8728 of 2018
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KK/SV MMS/20.04.2018/SAR-2/3P-5C