



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.9642 of 2018

Ganesa Moorthy

: Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin 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 2nd respondent dated 21.04.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" Programme on 04.05.2018 night at about 08.00 p.m. to 12.00 p.m. at Arulmigu Sri Patrakaliamman Thirukovil is situated at Kovilpatti, Tuticorin District to provide adequate police protection based on the petitioner's representation, dated 20.04.2018.

For Petitioner

: Ms.S.Bharathi

For Respondents

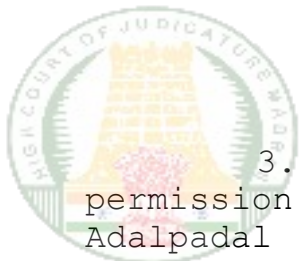
: Mr.P.Kannidevan

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 2nd respondent dated 21.04.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" Programme on 04.05.2018 night at about 08.00 p.m. to 12.00 p.m. at Arulmigu Sri Patrakaliamman Thirukovil, situated at Kovilpatti, Tuticorin District to provide adequate police protection based on the petitioner's representation, dated 20.04.2018.

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.



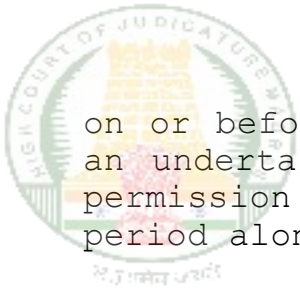
3. According to the petitioner, for previous years, permission has been granted by the respondents to conduct the said Adalpadal cultural programme during the festival of Arulmigu Sri Patrakaliyamman Thirukovil, situated at Kovilpatti, Tuticorin District. Hence, this year also the petitioner made a representation dated 20.04.2018 to the respondents to grant permission and protection for conducting the Adalpadal cultural programme on 04.05.2018 night at about 08.00 p.m. to 12.00 p.m. But, the 2nd respondent, has rejected the said representation on 21.04.2018 by stating that since the participants in the said programme wearing awkward dresses, it may cause disturbance to the ladies and public, hence, there will be a chance of law and order problem. According to the petitioner, the said order passed by the 2nd respondent is illegal and totally non-application of mind. Therefore the impugned order passed by the 2nd 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 said order has been passed in the apprehension that there will be law and order problem during the programme. Therefore, this Court may pass appropriate orders to consider the petitioner's representation on merits and in accordance with law.

5. The learned counsel for the petitioner undertakes that the petitioner will file an undertaking affidavit before the authorities concerned to that effect.

6. Considering the submission made by both parties and perusal of the impugned order passed by the second respondent, it is clear that the 2nd respondent has not properly considered the representation of the petitioner dated 20.04.2018 and rejected the same without any specific reason. Therefore, since the said order is cryptic and non-speaking order, this Court has no hesitation to quash the said proceedings of the 2nd respondent dated 21.04.2018. 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 2nd respondent has passed the present impugned order. Hence, the same is liable to be quashed.

7. Accordingly, considering the facts and circumstances and also considering the undertaking made by the petitioner before this Court, the impugned order dated 21.04.2018 passed by the 2nd respondent is hereby quashed and this Court directs the second respondent to consider the petitioner's representation dated 20.04.2018 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 an undertaking affidavit before the second respondent for granting permission to conduct the cultural programme during the above said period along with a copy of this order.

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8. This writ petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.

+1CC to M/s.S.Bharathi, Advocate, SR.No.63716

+1CC to the Special Government Pleader SR.No.64112

W.P. (MD) No.9642 of 2018
26.04.2018

PJL

AM/SV MMS/SAR 4/28.04.2018/3P/5C