



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD) No.14424 of 2018

R.Athithan

.. Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Assistant Superintendent of Police,
Tirunelveli District.

3. The Inspector of Police,
Mukoodal Police Station,
Mukoodal,
Tirunelveli District,
Tirunelveli - 627 601.

.. 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 order dated 30.06.2018 made in Na.Ka.No.185/Se.Mu.B/U.Ka.K/Serai/2018 on the file of the second respondent herein quash the same as illegal and consequently direct the respondents to accord permission to conduct music concert to the ongoing Aani Perunthiruvila scheduled to be conducted in Arulmighu Muthumalai amman thirukkivil situated in Mukkodai village, Tirunelveli district by imposing any condition which deemed fit and appropriate.

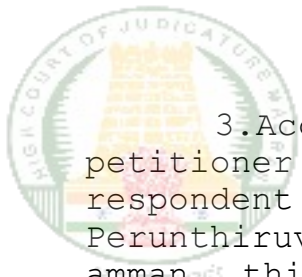
For Petitioner : Mr.K.K.Maheshraja

For Respondents : Mr.P.Kannidevan
Additional Government Pleader

O R D E R

This writ petition has been filed to call for the records relating to the order dated 30.06.2018 made in Na.Ka.No.185/Se.Mu.B/U.Ka.K/Serai/2018 on the file of the second respondent herein and quash the same as illegal and to direct the respondents to grant permission to conduct music concert to the ongoing Aani Perunthiruvila scheduled to be conducted in Arulmighu Muthumalai amman thirukkivil situated in Mukkodai village, Tirunelveli district.

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



3. According to the learned counsel for the petitioner, the petitioner made a representation on 02.07.2018 to the second respondent seeking permission to conduct music concert in the Aani Perunthiruvila scheduled to be conducted in Arulmighu Muthumalai amman thirukkivil situated in Mukkodai village, Tirunelveli district. The said representation was rejected by stating that there were disputes among two groups which resulted to registration of various criminal cases in Crime Nos. 228 of 2012, 235 of 2012, 243 of 2013, 152 of 2014, 70 and 71 of 2015, 110 of 2015, 56 of 2016, 69 of 2016, 70 of 2016, 97 of 2016, 99 of 2016, 56 of 2017, 110 of 2017, 111 of 2017, 110 of 2017, and 111 of 2017.

4. According to the learned counsel for the petitioner, the said reasons stated in the impugned order cannot be sustained, simply on the ground that there were disputes among the villagers. Now, the disputes among the villagers were solved and they are having no objection in conducting the music concert and Pattaimandram in the Aani Perunthiruvila scheduled to be conducted in Arulmighu Muthumalai amman thirukkivil situated in Mukkodai village, Tirunelveli district and they are also ready and give their consent to conduct the programme. Without giving opportunity to the petitioner, the second respondent has passed the impugned order. Therefore, the petitioner has filed the present writ petition before this Court.

5. The learned Additional Government Pleader would submit that after taking note of the past records of the villagers, regarding the disputes among the villagers and the registration of various criminal cases, the second respondent has rightly passed the impugned order.

6. On perusal of the impugned order, the second respondent had relied upon various criminal cases which have been registered against the parties and the same are pending. In the light of the submissions made by the learned counsel for the petitioner, the impugned order passed by the second respondent is liable to be quashed.

7. In the result, the impugned order passed by the second respondent is quashed and the second respondent is directed to consider the petitioner's representation afresh and pass orders on merits and in accordance with law on or before 11.07.2018, after providing opportunity to the parties concerned.

8. Accordingly, this Writ Petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. The Superintendent of Police,
Tirunelveli District.
2. The Assistant Superintendent of Police,
Tirunelveli District.
3. The Inspector of Police,
Mukoodal Police Station,
Mukoodal,
Tirunelveli District,
Tirunelveli - 627 601.

+1CC to Mr.K.K.Maheshraja , Advocate, SR.No.72076

W.P. (MD) No.14424 of 2018
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