



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16056 of 2018
and

W.M.P (MD) No.14325 of 2018

Karthick @ Ullasa Karthick

... Petitioner

Vs.

1.The Assistant Commissioner of Police (L & O),
Madurai City,
Madurai.

2.The Inspector of Police,
B-3 Theppakulam Police Station (L & O),
Madurai.

... 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 of the impugned order passed by the second respondent in MLR/7/B3/L&O/PS/2018 dated Nil and the consequential impugned order passed by the first respondent in Na.Ka.No.123/Mugam/Ka.Vu.Aa/L&O/2018, dated 19.07.2018 and quash the same as illegal, unreasonable and arbitrary and consequently direct the respondents to permit the petitioner to conduct Adal Padal program scheduled to be conducted on 28.07.2018 and give necessary police protection for the same.

For Petitioner : Mr.K.Gurumoorthy,
For Respondents : Mr.M.Karuppasamy,
Government Advocate

ORDER

The present Writ Petition is filed against the impugned order passed by the second respondent in MLR/7/B3/L&O/PS/2018 dated Nil and the consequential impugned order passed by the first respondent in Na.Ka.No.123/Mugam/Ka.Vu.Aa/L&O/2018, dated 19.07.2018 and quash the same and consequently, direct the respondents to permit the petitioner to conduct Adal Padal program scheduled to be conducted on 28.07.2018 and give necessary police protection for the same.

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

3.According to the petitioner, he made a representation to the second respondent on 11.07.2018 to grant permission to conduct Aadal



Padal programme on 28.07.2018. The said representation was rejected on the ground that if the permission is granted, it will create law and order problem. Challenging the aforesaid order, the present writ petition has been filed.

4.The learned Government Advocate appearing for the respondents would submit that during the Temple Festival on 22.07.2018, there was a dispute between Rajkumar, Rajaganesan and one Veeramani and they have created nuisance and used filthy language. Therefore, a case was registered in Cr.Nos.674 of 2018, 675 of 2018 and 676 of 2018 and more than 10 history sheeted rowdies are residing in that area and therefore, the petitioner's representation was rightly rejected by the respondents.

5.The first respondent has passed an order without providing any opportunity to the petitioner, to submit his explanation and no material has been placed before this Court to substantiate his contention, for the rejection. The report submitted by the Inspector of Police is only vague and without any supporting materials to justify the impugned order passed by the first respondent.

6.Considering the facts and circumstances of the case, this writ petition is allowed by setting aside the order passed by the second respondent in MLR/7/B3/L&O/PS/2018 dated Nil and the consequential impugned order passed by the first respondent in Na.Ka.No.123/Mugam/Ka.Vu.Aa/L&O/2018, dated 19.07.2018 and remanded to the second respondent to consider the representation of the petitioner, dated 11.07.2018 afresh, after providing an opportunity to parties concerned, and pass orders on merits and in accordance with law, on or before 27.07.2018. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS-II)

To

1.The Assistant Commissioner of Police (L & O),
Madurai City, Madurai.

2.The Inspector of Police,
B-3 Theppakulam Police Station (L & O),
Madurai.

+1cc to Mr.K.Gurumoorthy, Advocate, SR.No.74951.

+1cc to Special Government Pleader, SR.No.75046.

W.P. (MD) No.16056 of 2018
25.07.2018