



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.17253 of 2018

and

W.M.P (MD) .No.15197 of 2018

Tamil Nadu Chamber of
Commerce and Industry
Represented through its Secretary,
G.Elangovan

... Petitioner

Vs.

The Assistant Commissioner of Police,
City Law and Order,
Madurai City,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the impugned order of the respondent dated 30.07.2018 passed in Na.Ka.No.131/முகமம் / கா.உ.ஆ / ச&ஒ / 2008.

For Petitioner : Mr.Babu Rajendran
For Respondent : Mr.Chellapandian
Additional Advocate General
Assisted by Mr.M.Karuppasamy,
Government Advocate

ORDER

Challenging the impugned order passed by the respondent dated 30.07.2018, wherein and whereby, the respondent has refused to conduct the functions in the petitioner's Auditorium, the present writ petition has been filed.

2.Mr.M.Karuppasamy, learned Government Advocate takes notice on behalf of the respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, the petitioner has constructed the Chamber of Commerce building. In the aforesaid premises, an Auditorium has also been constructed to meet their requirement by way of meetings, seminar, training to young entrepreneurs etc. The petitioner's Chamber is also rented the said Auditorium for conducting marriage function and other function among its members as well as the general public. Further, the Chamber Auditorium is not a public resort like eating house, hotel, wine-shop, fencing school as defined under the Tamil Nadu City Police Act. The respondent has passed the impugned order by stating that the permission of the police has not been renewed for conducting marriage Hall and no



document has been placed before the respondent for renewal of the permission granted by the authority concerned, therefore, the conducting of the function in the said Auditorium is violating the Rules.

4. According to the petitioner, the said impugned order passed by the respondent is liable to be quashed mainly on the ground that the impugned order passed by the respondent is violation of the principle of natural justice and no opportunity has been granted to the petitioner to put forth his contention and place the relevant documents before the respondent and further it is the case of the petitioner that for conducting the Auditorium by the petitioner Chamber of Commerce, permission of the police, is not necessary. Therefore, the said impugned order passed by the respondent is liable to be quashed.

5. Mr. K. Chellapandian, learned Additional Advocate General would submit that Sections 34 and 35 of the Tamil Nadu City Police Act, 1988, requires police permission to be obtained to conduct the marriage functions and other functions.

6. On perusal of the impugned order, no opportunity has been granted to the petitioner to place the documents to satisfy the requirements as per the relevant Act and Rules.

7. Considering the aforesaid submissions, as the respondent has not provided any opportunity to the petitioner to place the relevant documents, with regard to the permission granted by the competent authority concerned, under the relevant Act and Rules and the impugned order passed by the respondent is in flagrant violation of the principles of natural justice, on this ground alone, the impugned order is quashed and a liberty is granted to the petitioner to place all the relevant documents and permission certificate issued by the concerned authorities before the respondent on or before 03.08.2018. If any such application is submitted within the aforesaid date along with necessary documents, the respondent is directed to consider the said explanation including the applicability of Tamil Nadu Police Act and pass appropriate orders on merits and in accordance with law on or before 04.08.2018, after providing opportunity to the petitioner.

8. With the above observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

The Assistant Commissioner of Police,
City Law and Order,
Madurai City,
Madurai.

+1CC to Mr.Babu.Rajendran Advocate in SR.No.76742.

RMK

DS/SKN-RSK/SAR-4 :03.08.2018: 3P/3C

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