

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.01.2019
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2480 of 2019

V.Nagarajan

... Petitioner

Vs.

- 1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Sethiyathoppu, Cuddalore District.
- 2.The Circle Inspector of Police,
O/o.The Circle Inspector of Police,
Shrimushnam Police Station,
Cuddalore District.
- 3.The Sub Inspector of Police (L&O)
Cholatharam Police Station,
Cuddalore District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records relating to the rejection order in Na.Ka.No.01/JO/2019 dated 22.01.2019 passed by the 3rd respondent and quash the same and also direct the respondents to grant permission for conducting a Music Programme namely "Gramiya Kalai" by Dr.C.Illaiyaraja's Illaiya Ganam Orchestra for the celebration of the auspicious occasion of "Maha Kumba Abishegam" of Arulmighu Balavinayagar, Sri Balamurugan, Sri Muthumairamman, Sri Kanniamman Temple at Sithamalli, Kattumannarkoil Taluk, Cuddalore District on 31.01.2019.

For Petitioners : Mr.A.Prakash

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor,
High Court, Chennai.

O R D E R

This writ petition has been filed challenging the order passed by the 3rd respondent dated 22.01.2019, rejecting the permission sought for by the petitioner to conduct the music programme at the temple.

2.The petitioner is a resident of Sithamalli Village. The village consists of an old temple for which Kumba Abishegam was planned to be conducted by the villagers and also planned to have a music programme. The Kumba Abishegam was slated to be conducted on 23rd and 24th of January 2019 and the music programme was fixed on 25.01.2019. The petitioner made a representation to the 3rd respondent seeking for permission and police protection to conduct the music programme. The 3rd respondent by an impugned order dated 22.01.2019 rejected the permission and challenging the same, the present writ petition has been filed.

3.Heard Mr.A.Prakash, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing for the respondents Police.

4.It is seen that the impugned order has been passed only on the ground that there is an apprehension of law and order problem between two communities and there is a Police order in force passed under Section 30(2) of Police Act. Both the reasons mentioned in the impugned order cannot be a ground for rejecting the permission sought for by the petitioner. Unless there is strong materials to show that there is every chance of a law and order problem, and mere apprehension cannot be a ground to reject the permission.

5.Therefore, this Court has to necessarily interfere with the impugned order passed by the 3rd respondent.

6.In the result, the impugned order passed by the 3rd respondent dated 22.01.2019 is hereby quashed. The petitioner is directed to give a fresh representation to the 3rd respondent indicating the date, time and venue where the music programme is going to be conducted. It is made clear that the music programme shall be conducted only between 6 p.m and 9 p.m on 01.02.2019. The 3rd respondent on receipt of the representation shall grant permission to the petitioner to conduct the music programme. It is open to the 3rd respondent to impose any reasonable conditions in order to ensure that the programme is conducted in a peaceful manner without giving rise to any law and order problem. The petitioner has to comply with the conditions imposed by the 3rd respondent.

7.This writ petition is accordingly allowed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Sethiyathoppu, Cuddalore District.

2.The Circle Inspector of Police,
O/o.The Circle Inspector of Police,
Shrimushnam Police Station,
Cuddalore District.

3.The Sub Inspector of Police (L&O)
Cholatharam Police Station,
Cuddalore District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Prakash , Advocate SR.No. 8289

A.SK(31/01/2019)

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सत्यमेव जयते
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