



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.18863 of 2019

and

W.M.P.(MD)No.15197 of 2019

WEB COPY

Club India Resorts and Metro Hotels Pvt. Ltd.,
Rep. by its Director, Bodhee Satvikanath Raju

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District

3.The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 3rd respondent in S1PS/07/ GENL/2019, dated 11.08.2019 and quash the same as illegal and consequently forbear the respondents from the any way interfering in the petitioners right to hold music, arts and food festival in the petitioner's Resort, Scheduled to be held on 20.09.2019 to 23.09.2019 .

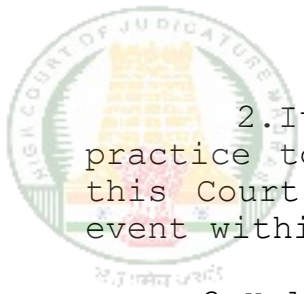
For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

This writ petition has been filed to call for the records relating to the impugned proceedings of the 3rd respondent in S1PS/07/ GENL/2019, dated 11.08.2019 and quash the same as illegal and consequently forbear the respondents from the any way interfering tin the petitioners right to hold music, arts and food festival in the petitioner's Resort, Scheduled to be held on 20.09.2019 to 23.09.2019 .



2.It appears that the respondents have made it a routine practice to direct the petitioner to obtain some sort of NOC from this Court for them to grant permission for organizing a cultural event within the premises of the petitioner's Resort.

3.Holding a cultural and music event is stated to be an annual feature in the petitioner's Resort, that it has been conducting it, that in 2014, permission was rejected on the ground that the guests of the petitioner's resort, most of who are foreign-tourists, had consumed liquor during the event. From 2015 onwards, it has been a routine practice for the petitioner to approach the Authority concerned for obtaining permission for the conduct of the cultural event and the Authority concerned had also been rejecting the same. The petitioner has therefore routinely come before this Court with the petitions, such as, W.P.(MD) No.4027 of 2016 and 6437 of 2018 seeking a direction to the authority to grant it permission for the conduct of the cultural event solely because the third respondent would mechanically reject the same. In each of these writ petitions, this Court has obtained an undertaking from the petitioner that during the event, no guest of the petitioner's resort should be served with liquor.

4. The learned counsel for the petitioner submits that the petitioner is willing to give the same undertaking that their guests would not be served with any liquor during the event. If this is the condition, and if it is required to be repeated every year, is it not sufficient for the Authority concerned to obtain the same undertaking at its level and grant permission. However, the Authority concerned appears to have turned the other way, and wants this Court to do the job that it can do and could have been done.

5. Accordingly, the writ petition is allowed and the impugned order, dated 11.08.2019, passed by the third respondent, is hereby set aside. The petitioner is directed to submit a fresh representation before the third respondent and on receipt of such a fresh representation, the third respondent is directed to consider the same and pass appropriate orders, after obtaining necessary undertaking from the petitioner and grant permission. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District
- 3.The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District
- 4.The Additional Public Prosecutor,
Madurai Behcn of Madras High Court,
Madurai.

+1 CC to Mr.J.M. HASSANUL BAZARI, Advocate SR-85144.

W.P. (MD) No.18863 of 2019

04.09.2019

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