



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.03.2021**

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.HEMALATHA**

W.P.(MD)No.5360 of 2021

and

W.M.P.(MD)No.4289 of 2021

S.Parthiban

...Petitioner

/Vs./

1.The District Collector,
Thenkasi District, Thenkasi.

2.The Superintendent of Police,
Thenkasi District,
Thenkasi.

3.The Revenue Divisional Officer,
Sankarankovil, Thenkasi District.

4.The Sub Inspector of Police,
Senthamaram Police Station,
Senthamaram, Thenkasi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records of the order passed by the fourth respondent dated 06.03.2021 and quash the same and consequently direct the respondents to permit the petitioner to conduct (Light Music) Orchestra Program on the eve of Maha Shivarathiri festival on 11.03.2021 at Veliyappa Sastha Temple, Naduvakkurichi, Thenkasi District.

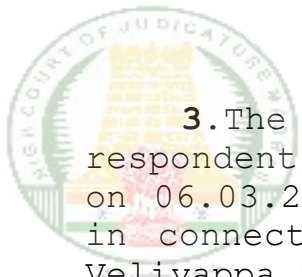
For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.S.Chandra Sekar
Additional Public Prosecutor

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.Mr.S.Chandra Sekar, learned Additional Public Prosecutor accepts notice for the respondents.



3.The main grievance of the petitioner is that the fourth respondent rejected the representation submitted by the petitioner on 06.03.2021 seeking permission to conduct Light Music programme in connection with Maha Shivarathiri festival on 11.03.2021 at Veliyappa Sastha Temple, Naduvakkurichi, Thenkasi District.

4.Mr.S.Chandra Sekar, learned Additional Public Prosecutor, on instructions, would contend that the fourth respondent rejected the representation of the petitioner on the ground that the Election Code of Conduct is in force. He would further contend that as per G.O.(Ms)No.654 (Revenue and Disaster Management (DM-IV) Department) dated 21.11.2020, the District Collector is the competent authority to consider the request of the petitioner.

5.Such an order passed by the fourth respondent cannot be sustained, since the petitioner seeks permission to conduct Light Music programme in connection with Maha Shivarathiri festival on 11.03.2021 at Veliyappa Sastha Temple, Naduvakkurichi, Thenkasi District.

6.However, considering the submissions made by the learned Additional Public Prosecutor, the petitioner, if so advised, can file a fresh petition before the District Collector, Thenkasi District and on receipt of the same, the District Collector is at liberty to pass appropriate orders, based on merits and on findings and in accordance with law, as expeditiously as possible.

7.With the above observation, this petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sm

Note In view of the present lock down
: owing to COVID-19 pandemic, a web
copy of the order may be utilized for
official purposes, but, ensuring that
the copy of the order that is
presented is the correct copy, shall
be the responsibility of the
advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector, Thenkasi District, Thenkasi.

2.The Superintendent of Police,
Thenkasi District, Thenkasi.

3.The Revenue Divisional Officer,
Sankarankovil, Thenkasi District.

4.The Sub Inspector of Police,
Senthamaram Police Station,
Senthamaram, Thenkasi District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.S.BALAMURUGAN, Advocate (SR-10403[F] dated 11/03/2021
)

W.P. (MD)No.5360 of 2021
10.03.2021

KM (17.03.2021) 3P 7C