



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21707 of 2021

P.Panchalarajan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Uthapanayakanoor Police Station,
Usilampatti Taluk,
Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.

... Respondents

*(R2 is suo motu impleaded vide order dated
07.12.2021 in W.P.(MD)No.21707 of 2021 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call the for the records pertaining to the impugned order dated 02.12.2021 on the file of the first respondent herein and quash the same as illegal and arbitrary and consequently direct the respondents herein to give permission for the Sri Valli Thrumana Nadakam on 10.12.2021 from 10.00 pm to 04.00 am on 11.12.2021 for Kalainigalchi at about 07.00 pm to 11.00 pm.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2.The petitioner wants to hold the petition mentioned event.

2.The second respondent is the authority, who is competent to grant permission. However, the petitioner for the reasons best
<https://hcservices.ecourts.gov.in/hcservices/>



known had approached the first respondent. The first respondent by citing the prevalence of pandemic had denied permission for holding the petition mentioned event. The first respondent has no jurisdiction to consider the petitioner's request. Even if the petitioner had approached the first respondent, the first respondent ought to have directed the petitioner to approach the competent authority. Therefore, the impugned order is set aside on the ground of want of jurisdiction.

2.I can take judicial notice of the fact that normal life has almost returned. Therefore, the petitioner cannot be denied permission to hold the petition mentioned event. The petitioner is directed to approach the second respondent on 08.12.2021 with a fresh representation and the second respondent shall grant permission to the petitioner. It is open to the second respondent to incorporate appropriate conditions to ensure the smooth conduct of the event. The petitioner through his counsel gives an undertaking that the organizers of the event will adhere to the police directions.

3.The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ias

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.

To:

- 1.The Sub Inspector of Police,
Uthapanayakanoor Police Station,
Usilampatti Taluk,
Madurai District.
- 2.The Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.



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

+1 CC to M/s.M.O.THEVAN KUMAR, Advocate (SR-37638[F] dated
07/12/2021)

W.P (MD) No.21707 of 2021
07.12.2021

MGJ(07.12.2021) 3P 5C