



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.247 of 2022

A.Pandidurai

... Petitioner

Vs.

1. The Deputy Superintendant of Police,
Melur,
Madurai District.

2. The Sub Inspector of Police,
Melur Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 29.12.2021 of the 2nd respondent and to quash the same, consequently directing the respondents to grant permission to perform the sound system from 10.01.2022 to 12.01.2022 and Gramiya kalai Nigazhchi (Village dance programme) on 12.01.2022 in the eve of Arulmighu Sri Kaliyamman Kovil, "Thiru Vizha" at Vellanathanpatti Village, Melur Taluk, Madurai District and to provide necessary police protection.

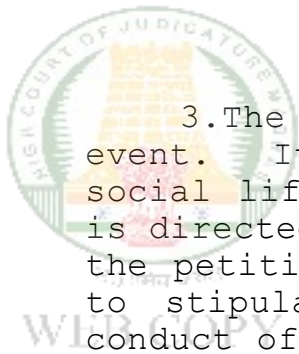
For Petitioner : Mr.V.Manikandan

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The first respondent is the authority, who is competent to grant permission. However, the petitioner for the reasons best known had approached the second respondent. The second respondent by citing the prevalence of pandemic and law and order problems had denied permission for holding the petition mentioned event. The second respondent has no jurisdiction to consider the petitioner's request. Even if the petitioner had approached the second respondent, the second 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.



3.The petitioner wants to conduct the petition mentioned event. It is stated that there is no communal problem. Since social life has almost returned to normalcy, the first respondent is directed to grant permission to the petitioner herein to conduct the petition mentioned event. It is open to the first respondent to stipulate appropriate conditions both to ensure the smooth conduct of the event and also to ensure strict adherence to Covid-19 protocol. The petitioner gives an undertaking that he will adhere to the norms that may be stipulated in the order granting permission.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

07/01/2022

Sub Assistant Registrar(CS-II)

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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 Deputy Superintendant of Police,
Melur,
Madurai District.
2. The Sub Inspector of Police,
Melur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-874[F] dated 07/01/2022)

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