



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.706 of 2022

Sethuraman

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Deputy Superintendent of Police,
Melur,
Madurai District.

3.The Sub Inspector of Police,
Keelavalavu 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 order passed by the 3rd respondent dated 11.01.2022 and quash the same as illegal and consequently, direct the 3rd respondent to give adequate permission and protection for cultural event namely "Sri Valli Thirumanam Nadagam" scheduled to be held on 25.01.2022 at about 10.00 pm to 06.00 am in connection with "Thai Poosam Festival" Kambarmalaipatti, Keelavalavu, Melur Taluk, Madurai District.

For Petitioner : Mr.C.Gunasekaran

For Respondents : Mr.M.Sakthi Kumar,

Government Advocate (CrI. Side).

ORDER

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

2.Though the petitioner wants to hold the petition mentioned event after 10.00 pm, in view of the night time restrictions imposed in the wake of pandemic, the petitioner undertakes to conclude the event before 09.30 pm. This undertaking is recorded.

3.The second respondent is the authority, who is competent to grant permission. However, the petitioner for the reasons best



known had approached the third respondent. The third respondent by citing the prevalence of pandemic had denied permission for holding the petition mentioned event. The third respondent has no jurisdiction to consider the petitioner's request. Even if the petitioner had approached the third respondent, the third 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.

4. There does not appear to be any communal angle. The second respondent is therefore directed to give permission to the petitioner to hold the petition mentioned event. 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 directives. The second respondent while issuing the proceedings permitting the holding of the event shall stipulate appropriate conditions for adhering to Covid-19 protocol. I make it clear that the order has been passed in this writ petition based on the position obtaining today. It is of-course open to the second respondent to take a call, if any further lockdown restriction is imposed by the Government.

5. Recording the said undertaking, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Madurai District,
Madurai.

2. The Deputy Superintendent of Police,
Melur,
Madurai District.



3.The Sub Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

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19.01.2022

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