



W.P(MD)No.29105 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.29105 of 2022

and

W.M.P.(MD)No.23077 of 2022

P.Prabin
S/o.M.Paulraj,
President of the Function Committee of
Nehru Ninaivu Vilaiyattu Mandram,
Reg.No.63/2015, No.19/60, Thodukulam,
Kanjiracode Post, Nattalam Village,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 2.The Deputy Superintendent of Police,
Thakkalai Sub-Division,
Kanyakumari District.
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumair District.
- 4.Selvakumar

... Respondents



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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 of the second respondent in Na.Ka.No.254/SDOT/2021, dated 21.12.2022 and quash the same and direct the respondents 1 to 3 to accord permission and provide police protection to the 27th Annual Day Celebration of “Nehru Ninaivu Vilaiyattu Mandram” scheduled on 1st and 2nd January 2023.

For Petitioner : Mr.N.Dilip Kumar.

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 to R3.

: Mr.S.C.Herold Singh,

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.254/SDOT/2021, dated 21.12.2022 and quash the same and direct the respondents 1 to 3 to accord permission and provide police protection to the 27th Annual Day Celebration of “Nehru Ninaivu Vilaiyattu Mandram” scheduled on 1st and 2nd January 2023.



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2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents 1 to 3 and Mr.S.C.Herold Singh, learned counsel takes notice for the fourth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the State would submit that land meant for conducting Annual Programme is poramboke.

4. The learned counsel for the petitioner would submit that in the petitioner's earlier petition in W.P.(MD)No.23382 of 2017, similar objection was raised by the prosecution and this Court has dealt with the same and rejected the same. It is necessary to refer the relevant portions in the said order, dated 19.12.2017 :

“9. First of all, the place in which the event proposed to be conducted is a public land and that the same is not a library as a whole. Though a portion of the property was given for the purpose of establishing library, the entire premises cannot be construed as the place in which the library



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is located. Hence, this Court is inclined to allow the Writ Petition and accordingly the Writ Petition is allowed and the impugned order passed by the second respondent, dated 13.12.2017 is set aside. The second respondent shall accord permission and provide police protection to the petitioner to celebrate the 22nd Annual Day Celebration of “Nehru Ninaivu Vilaiyattu Mandram” scheduled on 1st and 2nd January 2018, with certain conditions.”

5.As already pointed out by the learned counsel for the petitioner, the second respondent, by referring the claim made by the fourth respondent and also the law and order problem, has rejected the requisition. But, the third respondent has not taken into account the orders passed by this Court earlier. Hence, the impugned order of the second respondent in Na.Ka.No.254/SDOT/2021, dated 21.12.2022, is set aside and the petitioner is directed to give a fresh representation to the second respondent and on such receipt of the same, the second respondent is directed to consider the same and also to take note of the objection raised by the fourth respondent and pass orders in accordance with law within a period of three days from the date of receipt of copy of this order.



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6. With the above directions, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

23.12.2022

Index :Yes/No

Internet : Yes/ No

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Note : Issue order copy on **23.12.2022.**

To

- 1.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 2.The Deputy Superintendent of Police,
Thakkalai Sub-Division,
Kanyakumari District.
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumair District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.29105 of 2022
and
W.M.P.(MD)No.23077 of 2022

Dated : 23.12.2022