



W.P.No.18597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.18597 of 2023

M.Asaithambi

...Petitioner

Vs.

The Inspector of Police,
Yethapur Police Station,
Yethapur,
Salem District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to call for the entire records of the respondent dated 15.06.2023 and quash the same and consequently directing the respondent to grant permission and Police protection to conduct Cultural programme (Adal Padal Nigalchi) in the event of A.Komarapalayam Village Arulmigu Sree Kamatchi Amman Temple Festival at P.N.Palayam Taluk, Salem District on 28.06.2023 between 6.00 P.M. and 11.00 P.M.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.Leonard Arul Joshph Selvam
Government Advocate (Crl.Side)



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ORDER

The Writ Petition has been filed to call for the entire records of the respondent dated 15.06.2023 and quash the same and consequently directing the respondent to grant permission and Police protection to conduct Cultural programme (Adal Padal Nigalchi) in the event of A.Komarapalayam Village Arulmigu Sree Kamatchi Amman Temple Festival at P.N.Palayam Taluk, Salem District on 28.06.2023 between 6.00 P.M. and 11.00 P.M.

2.The learned counsel for the petitioner submitted that, petitioner submitted a representation dated 15.06.2023 seeking permission to conduct Adal Padal programme during temple festival on 28.06.2023 at 06.00 p.m. to 11.00 p.m. at “Sree Kamatchi Amman Temple Festival” A.Komarapalayam Village, P.N.Palayam Taluk, Salem District. This representation was rejected by the Sub-Inspector of Police, Yethapur Police Station, Salem District. Therefore, this petition is filed challenging the rejection order passed by the respondent Police and for giving permission for conducting Adal Padal programme on 28.06.2023.

3.In response, the learned Government Advocate (Criminal side)



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submitted that, respondent police on enquiry came to know that if permission is granted for Adal Padal event, it would lead to law and order problem. Therefore, permission was rejected.

4.In reply, the learned counsel for the petitioner submitted that, petitioner has been conducting Adal Padal event during temple festival for last seven years. So far no law and order problem was reported and only for the purpose of rejecting the petitioner's representation, it was wrongly said that if permission is granted law and order issue would come up.

5.On enquiry, the learned Government Advocate (Criminal side) submitted so far no law and order problem was reported during the Adal Padal event in the temple festival during the past years.

6.In view of the submissions made by the learned counsel appearing for the parties, this Court is of the view that mere apprehension that if permission to Adal Padal program is granted, that would lead to law and order problem, cannot be a ground for rejection of petitioner's representation, unless, the apprehension is supported by material. No such material is



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produced before this Court. Therefore, the order dated 15.06.2023 passed by the respondent is set aside. Respondent Police is directed to consider the petitioner's representation dated 15.06.2023 and give permission for conducting Adal Padal event on 28.06.2023 during the festival of Sree Kamatchi Amman Temple, subject to imposing necessary conditions as per the Circular Memorandum issued by Director General of Police, Tamil Nadu, Chennai, in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 and Rc.03316/General.I(1)/2023, dated 01.06.2023.

7. With the above directions, this Writ Petition is disposed of. No costs.

22.06.2023

Index :Yes/No
Internet :Yes/No
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To

- 1.The Inspector of Police,
Yethapur Police Station,
Yethapur,
Salem District.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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