



W.P.Nos.31498 and 31502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.31498 and 31502 of 2024

S.Ramasamy .. Petitioner in W.P.No.31498 of 2024

C.Muthupandian .. Petitioner in W.P.No.31502 of 2024

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
Vepery,
Chennai-600 007.

2. The Assistant Commissioner of Police,
Triplicane Range,
Chennai-600 005.

.. Respondents 1 and 2 in both the Writ Petitions

3. The Inspector of Police
D-1 Triplicane Police Station,
Chennai-600 005.

.. Respondent No.3 in W.P.No.31498 of 2024

3. The Inspector of Police,
D-2 Anna Salai,
Chennai-600 002.

.. Respondent No.3 in W.P.No.31502 of 2024

Writ Petition No.31493 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents

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not to interfere with the peaceful conduct of cultural show by the petitioner as Public Resort Licence bearing No.Rc.No.E3(1)/331/80294/2023, dated 20.03.2024.

Writ Petition No.31502 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents not to interfere with the peaceful conduct of cultural show by the petitioner as Public Resort Licence bearing No.Rc.No.E3(1)/332/80303/2023, dated 02.04.2024.

For petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Gopinathan in both the Writ Petitions

For respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) in both the Writ Petitions

COMMON ORDER

Writ Petition No.31493 of 2024 is filed praying for issuance of a Writ of Mandamus to direct the respondents not to interfere with the peaceful conduct of cultural show by the petitioner as Public Resort Licence bearing No.Rc.No.E3(1)/331/80294/2023, dated 20.03.2024.

2. Writ Petition No.31502 of 2024 is filed praying for issuance of a Writ of Mandamus to direct the respondents not to interfere with the peaceful conduct of cultural show by the petitioner as Public Resort Licence bearing No.Rc.No.E3(1)/332/80303/2023, dated 02.04.2024.

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3. Heard both sides and perused the materials available on record.

4. The first respondent in W.P.No.31498 of 2024 has filed counter affidavit and paragraph 6 of the same reads as follows:

"6. As regard to Paragraph-7 of the affidavit, it is submitted that the petitioner has allowing group of young ladies for dancing in an obscene manner in the Public Resort in front of predominantly male audience under the guise of Indian Cultural Dance and the male audience were thrown the money on the young ladies, thereby there was lowering the dignity of women. To maintain law and order and avert any untoward incident in the Public Resort between to dancers and audience, the first respondent has requested the petitioner to stop the show temporarily."

5. Therefore, it is now stated by the learned Government Advocate (Criminal Side) appearing for the respondents that the respondents are taking steps to cancel the licences issued/renewed in favour of the petitioners.

6. Learned Senior Counsel appearing for the petitioners submitted that, without giving any reason, the respondents are preventing the petitioners from conducting the cultural show and the licences issued to the petitioners for the year 2023, were renewed up to the end of the year 2024. Since the period of



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licence itself is going to be over by 31.12.2024, if the respondents prolong their action, the purpose of getting the licences by the petitioners themselves would be defeated.

7. Learned Government Advocate (Criminal Side) appearing for the respondents submitted that the petitioners are showing obscene show and using the young ladies and taking advantage of the obscenity, the men who participated as audience, were allowed to participate as audience and showing the currency notes and also facing the culture show for young ladies. Therefore, suitable procedures have been adopted to cancel the licence of the petitioners.

8. It is seen from the records that the Director General of Police/Commissioner of Police, Greater Chennai, by proceedings dated 20.03.2024 and 02.04.2024, in respect of both the petitioners, had extended/renewed the Public Resort Licence for the period from 01.01.2024 to 31.12.2024 with the conditions stated therein.

9. A perusal of the above renewal of the Public Resort Licences granted to both the petitioners upto 31.12.2024, shows that their licences had been renewed subject to conditions stated therein and if the petitioners violate any of the conditions, it is observed in the renewal of licence orders that legal action would be taken against the licensees (petitioners) and Public Resort Licence would be cancelled on merits.



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10. Though the respondents-Police have made certain allegations in the above extracted paragraph 6 of the counter affidavit filed in W.P.No.31498 of 2024, they have not stated any specific date or month which the petitioners would conduct the cultural show, and the respondents have granted the renewal of licences for the period ending 31.12.2024 for both the petitioners. That being so, there was no allegation during the earlier period while conducting the cultural show, after grant of licence for the earlier period ending 31.12.2023. It is also stated that licences had been granted/renewed for the period ending 31.12.2024 with certain conditions as stated in the renewal order. It is also stated by the learned Government Advocate that now, the respondents have made certain allegations which are serious in nature. But however, since the licences of both the petitioners have been renewed till 31.12.2024 with certain conditions, the respondents cannot take away the right of the petitioners without conducting enquiry in the manner known to law. The respondents shall pass appropriate orders in accordance with law, after giving notice to the parties and conducting enquiry in the manner known to law and pass orders in accordance with law. Now, since the present renewal is coming to an end by 31.12.2024 for both the petitioners, the respondents are hereby directed to complete all the formalities/procedures in conducting the enquiry, within a period of 15 days from today.

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11. With the above observations/direction, the Writ Petitions are disposed of. There shall be no order as to costs.

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
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2. The Assistant Commissioner of Police,
Triplicane Range,
Chennai-600 005.
3. The Inspector of Police
D-1 Triplicane Police Station,
Chennai-600 005.
4. The Inspector of Police,
D-2 Anna Salai,
Chennai-600 002.
5. The Public Prosecutor, High Court, Madras.

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