



W.P.(MD)No.20860 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:28.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20860 of 2023

B.Palanivel

... Petitioner

Vs.

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

2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant permission for keeping the Vinayagar Statue in Thenpothigai Balavinayagar Temple, West Masi Street, Tenkasi, on 17.09.2023 to 19.09.2023 and to perform poojas to the said Vinayagar statue and to immerse the same on 19.09.2023 at evening and give police protection for Vinayagar procession in Four Car Streets of Tenkasi Town



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surrounding the Kasi Viswanathar Temple, Tenkasi and to immerse the statue in Sitraru river at Yanai Palam, Tenkasi, based on the petitioner's representation dated 11.08.2023.

For Petitioner : Mr.S.Devarajan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

This Writ Petition is filed seeking for a direction to the respondents Police to permit the petitioner to conduct Vinayagar festival from 17.09.2023 to 19.09.2023.

2. The learned Government Advocate (criminal side) appearing for the official respondents submits that the respondents Police have rejected the representation of the petitioner dated 11.08.2023 on the following grounds:-

1. So for no Idol installed in that petitioner said place.

2. With in 100 mtrs Hindu munnani installed 10-15 feet vinayagar statute in-front of Arul migu



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Kasivishvanathar temple keela ratha veethi every year.

3. At the time of immersion more than 2000 people may gather and shout slogan. (om kali jai kali)

4. Big Riot in 2006, 2007th incident 4 Hindus and 3 muslims were brutally murdered. More than 1000 Police were posted for bundobust in Tenkasi and surrounding area.

5. Bombs were planted in RSS Building and New Bus stand Tenkasi, to create religious issues. After investigation, Bombs are planted by Hindus 10 persons were arrested. It makes very big L & O issues.

6. Above murder and Bomb cases are still pending in Communal clash Court in Madurai.

7. Highly Sensitive issue Tenkasi is Bazaar Tholugaikoodam that was also very near to petitioner said place.

8. Last year also, RDO Tenkasi Rejected the petitioner petition.

3. It is also submitted by the learned Government Advocate (criminal side) appearing for the official respondents that the representation of the petitioner that earlier, the petitioner has conducted Vinayagar festival in the same place by taking the directions of this Court, is incorrect.



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4. However, during the course of submission, the petitioner has come forward with a prayer to identify the suitable place which is not sensitive where there may not be a problem for conducting festival by installing Vinayagar statute.

5. It is also further submitted by the learned Government Advocate (criminal side) appearing for the official respondents that in case if the alternative place is identified, the Police are prepared to grant permission by imposing conditions in respect of public address system for the purpose of performing pooja and other connected things.

6. In view of the above, this Writ Petition is disposed of directing the petitioner to approach the respondents Police with fresh application and discuss with the respondent Police for suitable place which is not sensitive and on filing such application by the petitioner, the respondents Police are directed to consider the same, keeping in view the law and order problem prevailing in the locality and if satisfied, grant permission



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by imposing suitable conditions. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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