



W.P.(MD) No.22145 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.22145 of 2023

Maruthupandi

... Petitioner

/vs./

- 1.The District Collector,
Office of the District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Palani,
Dindigul District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 4.The Deputy Superintendent of Police,
Palani Sub Division,
Palani,
Dindigul District.
- 5.The Inspector of Police,
Palni Town Police Station,
Palani, Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No. 3, 4, 5 herein to permit the petitioner to perform the Vinayagar Sathurthi from 18.09.2023 till 22.09.2023 at the above 14 places at Palani and also to immerse the said Idols through a procession on 22.09.2023 from 5 PM onwards at Shanmuga Nathi with Police Protection by considering the petitioner's representation dated 25.08.2023 within the time stipulated by this Court.

For Petitioner : Mr.R.Mohan

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

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a mandamus directing the respondents police to grant the permission and protection to conduct Vinayagar Sathurthi at 14 places from 18.09.2023 to 22.09.2023 at Palani and to immerse the said idols through a procession on 22.09.2023.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the District General Secretary of Hindu Tamilar Kachi of Palani constituency



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and every year they conduct Vinayagar Chaturthi in a grand manner and the said festival is being celebrated since many years. The petitioner's party decided to conduct the festival on 18.09.2023 at Palani, Dindigul District by installing idols at 14 various places mentioned in the petition and after offering pooja for five days will take all the idols as a procession on 22.09.2023 by taking en route to Pathavinayagar Kovil, Thevar Statue, Bus Stand, Market, Theradi and finally to Shanmuga Nathi and immerse all the idols on 22.03.2023 in the river bed.

3. The petitioner's Hindu Tamilar Kachi filed a representation dated 25.08.2023 to the respondents police for permission and also protection for performing pooja for five days and for taking the procession thereby to immerse the idols in the river bed. However, the said permission has not been granted so far thereby sought for suitable directions.

4. Learned Government Advocate (Crl. Side) on the other hand submits that the police have got objection for granting permission as the petitioner intend to install more number of idols and also intend to take procession route through the sensitive places where people of other religions are living which may likely to



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create adverse impact and if any untoward incident happens thereby peace and tranquillity of the society will get disturbed not only in this town but also entire district.

5. This Court on 21.08.2020 in W.P.Nos.11366 and 11467 of 2020 (*Ela.Ganapathi v. Government of Tamil Nadu, rep. by its Chief Secretary, Chennai*) has issued a slew of directions which read as follows:-

"13. Accordingly, the writ petitions stands disposed of with the following directions:-

(i) Individuals are permitted to have their Vinayaga idols after the performance of the ceremony in front of their respective houses.

(ii) Individuals are permitted to drop the Vinayaga idols at the entry point of the temples. This direction is issued by taking note of Clause (3) of para 2 of the order under challenge which does not prohibit even the worship before the temples coming under certain categories.

(iii) Individuals are allowed to immerse the idols which can be carried out only by a single person in the water bodies. No such activities shall be carried out in the stretch between Santhome to Napier bridge.

(iv) The permission given is restricted only to the individuals alone and therefore, there is a total bar to undertake the same activities by organisations.



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(v) The aforesaid directions are subject to the regular restriction which are already in vogue including the time restriction and the social distancing.

(vi) For any violation of these directions, the respondents are at liberty to take appropriate action in the manner known to law as they are applicable only to the individual cases alone."

5. At this juncture, the petitioner has come forward with the proposal that the petitioner's party will install idol at one place and take the procession in a route as advised by the respondents police so that the procession will not pass through any sensitive places.

6. Learned Government Advocate (Crl. Side) submits that in case if the procession is being taken out in the areas specified by the police and install the idols at the place where there is not dispute, the respondents police will not have any objection to grant permission and also providing suitable protection.

7. Accordingly, this Writ Petition is disposed of directing the petitioner to file fresh application by identifying one suitable place in consultation with the police to conduct the festival for installation of idol to perform pooja from



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18.09.2023 to 22.09.2023 and to take out the procession in a route advised by the police and to immerse the idol on on 22.09.2023. The respondents police are directed to grant permission keeping in mind the directions issued by this Court in W.P.Nos.11366 and 11467 of 2020 in Ela.Ganapathi's case (supra) and by following the guidelines issued by the Pollution Control Board. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

13.09.2023

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Note : Issue order copy on 14.09.2023

To

- 1.The District Collector,
Office of the District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
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- 3.The Superintendent of Police,
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- 4.The Deputy Superintendent of Police,
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- 5.The Inspector of Police,
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DR.D.NAGARJUN, J.

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