



W.P(MD)No.26737 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.26737 of 2023

K.Marieswaran

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Alangulam Sub Division,
Tenkasi.

2.The Sub Inspector of Police,
Pavvorchatram Police Station,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Nil, dated 04.11.2023 by the 2nd respondent and quash the same as illegal and consequential directing the respondent to grant permission and protection for “Innisai Kacheri” on 06.11.2023 and 07.11.2023 Arulmighu Periyamman Kovil situated at Ariyapuram, Nadakkannupatti Village, Alangulam Taluk, Tirunelveli District.



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For Petitioner : Mr.R.Mathava Selvam
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This writ petitioner filed this Writ Petition challenging the impugned order No.Nil, dated 04.11.2023, by the 2nd respondent and quash the same as illegal and consequently seeking direction to the respondent to grant permission and protection for “Innisai Kacheri” on 06.11.2023 and 07.11.2023 in the eve of temple festival at Arulmighu Periyamman Kovil situated at Ariyapuram, Nadakkannupatti Village, Alangulam Taluk, Tirunelveli District.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents.

3.According to the petitioner, temple festival of Arulmighu Periyamman Kovil situated at Ariyapuram, Nadakkannupatti Village, Alangulam Taluk, Tirunelveli District, was conducted regularly for number of years. The petitioner as a member of Temple festival Committee, gave representation to the jurisdictional police officer to give the permission to conduct orchestra on 06.11.2023 and 07.11.2023.



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Earlier, the authority granted permission with condition not to make any provocative statements in the social media. But, one group of the people, even though belongs to the same community, made a statement in the whatsapp and other social media. Hence, the authority revoked the order passed earlier. In the said circumstances, the rejection order has been challenged before this Court as Special Motion at 2.15 p.m., today.

4.The learned Additional Public Prosecutor on instructions from the Law Enforcing Authority submitted that in view of the provocative statement in the whatsapp and other social media, the Authority forced to pass the cancellation of permission granted earlier.

5.The learned counsel for the petitioner submitted that the temple festival committee already made the arrangement for conducting the festival with Orchestra. Further, the committee of the temple festival undertakes not to make any untoward incidents within the community people and in the Village. More particularly, he undertakes to advise all the volunteers of the said community to conduct the festival amicably. Hence, this Court is inclined to issue the direction to the competent authority.



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6. Accordingly, the second respondent shall give permission to the petitioner to conduct Orchestra on the eve of the temple festival from 07.00 p.m. to 09.00 p.m. on today i.e., 06.11.2023. The temple management committee is directed to play 30 songs only. Among which three songs must be devotional and other 27 songs from cinemas. Among the 27 songs, no obscene and other songs in the nature of promoting disharmony shall not be played. The committee is directed to maintain the peace and co-operate with the conditions to be imposed by the Law Enforcing Agency.

7. With the above said directions, this writ petition stands disposed of.

06.11.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

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Note: Issue order copy on 06.11.2023.

To

1. The Deputy Superintendent of Police,
Alangulam Sub Division,
Tenkasi.



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2. The Sub Inspector of Police,
Pavvorchatram Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J

TM

Order made in
W.P(MD)No.26737 of 2023

Dated : 06.11.2023