

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.29472 of 2015

S.Syed Abuthagir

...Petitioner

Vs

1. The State, Rep. By its Home Secretary,
Govt of Tamil Nadu,
Secretariat, Fort St George Town,
Chennai
2. The Director General of Police,
DGP Office, Beach Road,
Chennai
3. The District Collector,
District Collector Office,
Thiruvarur District
4. The Superintendent of Police,
District Police Office, Thiruvarur
5. The Inspector of Police,
Muthupettai Police Station,
Muthupet,
Thiruvarur District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus do direct all the respondents to regulate the Vinayagar Chadurthi Rally without disturbing the common people, including Muslims community and change the route for Vinayagar Procession without covering of Muslims area and mosques with adequate police protection based on the petitioner's representation dated 31.08.2015 and to direct the respondents to take a permanent resolution for this issue and ensure Muslims life and dignity in Muthupettai, Thiruvarur District.

For Petitioner : Mr. W.Peter Ramesh Kumar
For Respondents : Mr. S.Diwakar, AGP.,

O R D E R

Mr. S.Diwakar, learned Additional Government Pleader, takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come forward to file this writ petition with an apprehension that the proposed Vinayaka Chadurthi Rally scheduled to be held on 22.09.2015 would disturb the communal harmony between two communities.

3. Heard the learned counsel for both sides.

4. The learned counsel for the petitioner submitted that despite the order passed by this Court in the year 2009, things have become worse off as seen from the cases registered by the Police; as the proposed route would necessarily involve Mosque, there is every likelihood of law and order problem; an accountability will have to be fixed on the wrong doers; the religious right cannot be accepted to violate the Constitutional rights of others. Therefore, the learned counsel prays this Court to pass appropriate orders.

5. The learned Additional Government Pleader appearing for the respondents has produced relevant records. Based upon the same, it is submitted that in pursuant to the order passed by this Court in W.P.No.17277 of 2009, dated 26.08.2009, the District Collector, Thiruvarur, has passed an order on 01.09.2009; after hearing the apprehensions from both groups, a fresh order was passed on 15.09.2015; in the said order both groups' representatives have agreed that both groups will not precipitate the problem; since the representatives of both groups have agreed to cooperate, the District Collector has passed the said order endeavoring to create a congenial atmosphere between two communities by making the procession a grand success.

6. The learned Additional Government Pleader has made reliance upon the communication, dated 18.09.2015, sent by the Superintendent of Police, Thiruvarur District, wherein, after hearing both sides, the Superintendent of Police has stated that adequate steps have been taken and it would be practically not possible to suggest an

alternative route, at this stage, as procession is scheduled to be conducted on 22.09.2015.

7. This Court has considered the submissions made by the learned counsel for both sides and perused the materials available on record.

8. The following is the relevant instructions given by the Superintendent of Police to the learned Additional Government Pleader:-

"In this year, to ensure peace and tranquility during Vinayagar Chathurthi Procession, the Revenue Divisional Officer, Mannargudi and Deputy Superintendent of Police, Muthupettai had convened a meeting on 26.06.2015 at Mannargudi, in which the Hindus were attended. On 27.06.2015 a meeting had been convened, in which Muslims were attended. On 10.09.2015 and 15.09.2015 the District Collector, Thiruvarur had convened meetings at Thiruvarur in connection with Vinayagar Chathurthi Procession at Muthupettai in which Hindus, Muslims and District Officials, including Police Officials were attended. In all the meetings, advice had been given to both the community people, not to indulge any kind of actions which may lead to deteriorate public order and tranquility at Muthupettai.

In this year, sufficient police protection will be provided to all the 18 Pallivasals and Dhargas in Muthupettai Town. Adequate police personnel will be posted in the Muslim residential areas. CCTV cameras will be installed in 16 places to monitor the procession. 40 video-graphers will be in the procession to cover the activities. 06 fire tenders will be stationed in the entire procession route. In and around Muthupettai, 05 temporary Police Check Posts have been erected to monitor the activities of those persons who are entered into Muthupettai Town. 5 Bomb detection and disposal teams have been formed in 06 important places, temporary watch towers have been erected with Public Address system and binoculars. 05 ambulances with medical teams will be stationed at Muthupettai on 22.09.2015. 28 Executive Magistrates will be posted at Muthupettai on 22.09.2015 in connection with Vinayagar Idol Procession. 05 wrecker vehicles and swimmer teams will also be utilized on 22.09.2015, police personnel will be posted in the high rise buildings during the time or procession. 15 two-wheeler patrols with police, 05 four wheeler patrols with police will be on rounds at Muthupettai on 22.09.2015. Sufficient number of plain-cloth police personnel will be

on duty to collect information and intelligence in connection with Vinayagar Chathurthi procession at Muthupettai.

If any changes in the alternative route already identified, a meeting has to be convened by the District Collector, Thiruvarur with all concerned and impress upon them, the desirability of adopting another alternative route, so that any disturbance does not take place. But, the Vinayagar Chathurthi procession will be scheduled to be conducted on 22.09.2015, and permission thereof had been accorded to the organizers of Vinayagar Idol Procession with some conditions by the Deputy Superintendent of Police, Muthupettai Sub Division, in his proceedings in C.No.293/DSP/2015, dated 17.09.2015. Hence, it is very difficult to conduct a meeting at this juncture. Hence, it is prayed that, taking into consideration of the elaborate bandobust arrangements made for the Vinayagar Idol Procession scheduled to be conducted on 22.09.2015, that procession may be allowed to pass through in the same route, which was identified in the year 2009."

9. In view of the same, this Court does not find any reason to interfere with the said order by exercising the power of Judicial Review as it is left to the discretion of the authorities concerned.

10. Further, a perusal of the order passed by the District Collector, Thiruvarur, dated 15.09.2015 would go to show that appropriate steps have been taken and the decision was taken in pursuant to the discussion made with the representatives of the two communities. The District Collector has also stated that the proposed procession would put an end to the hitherto mistress between the two communities and pave way for future activities in a harmonious manner.

11. Considering the above, this Court does not want to pass any order, at this stage. However, a direction is hereby issued to the respondents, particularly, the third and fourth respondents to take all possible steps to avoid law and order problem. If indeed, there arise law and order problem, (which this Court hopes not) then from the next year onwards, the third respondent shall consider the alternative route by taking into consideration of the said event/s as well as the prior occurrences.

12. With the above observations, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Home Secretary, Govt of Tamil Nadu,
Secretariat,
St George Town, Chennai
2. The Director General of Police,
DGP Office,
Beach Road, Chennai
3. The District Collector,
District Collector Office,
Thiruvarur District
4. The Superintendent of Police,
District Police Office,
Thiruvarur
5. The Inspector of Police,
Muthupettai Police Station,
Muthupet, Thiruvarur District

2 CCs to Mr. W.Peter Ramesh Kumar, Advocate SR.No. 51226

1 CC to the Government Pleader, SR.No. 51382

W.P.No.29472 of 2015

CTK (CO)
PSI (23.09.2015)