

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-02-2016

Coram :

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition No. 4819 of 2016

S. Perumal

.. Petitioner

Versus

The Inspector of Police
M-5, Ennore Police Station
Ennore, Chennai - 600 057

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondent to grant permission based on the petitioner's representation dated 03.02.2016 to conduct the programme which is scheduled to be held on 12.02.2016 at Arulmigu Sri Devi Thulukanathamman Sambala Devi Amman situate at Periyakuppam, Ennore, Chennai - 600 057.

For Petitioner : Mr. C. Prabakaran

For Respondent : Mr. M. Dig Vijaya Pandian
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a Mandamus to direct the respondent to give permission on the basis of the representation dated 03.02.2016 submitted by him to enable him to conduct the programme scheduled to take place on 12.02.2016 at Arulmigu Sri Devi Thulukanathamman Sambala Devi Amman situate at Periyakuppam, Ennore, Chennai - 600 057.

2. The petitioner claims to be a resident of Periyakuppam, Ennore, where the temple called Arulmigu Sri Devi Thulukanathamman Sambala Devi Amman situate at Periyakuppam, Ennore is in existence. According to the petitioner, the said temple is being worshipped by Periyakuppam Villagers as well as the adjacent Villagers. It is further stated that every year, a festival will be conducted in the temple in which poojas will be offered to the deity, besides cultural programmes will be conducted to enthrall the villagers. According to the petitioner, the temple festival or the cultural programme will be conducted in accordance with the culture and tradition and there is no vulgarity or obscene conduct in the said festival. In this regard, the petitioner submitted a representation dated 03.02.2016 to the respondent seeking permission to conduct such festival in the temple on 12.02.2016. However, the respondent neither given permission nor rejected the representation of the petitioner. Hence, the petitioner is before this Court.

3. On notice, the respondent has filed a counter affidavit contending inter alia that on receipt of the representation from the petitioner seeking police protection, an enquiry was conducted. According to the respondent, when a similar festival was conducted last year, there was a commotion, disturbance and confrontation by two groups which resulted in a law and order problem. In connection with the said incident, a complaint was given by one Raja on the basis of which a case in Crime No.1410 of 2015 was registered on 09.09.2015 for the offences under Sections 341, 294 (b), 323, 324 and 506 (ii) of IPC against four persons and they were arrested and remanded to judicial custody. According to the respondent, the festival attracts huge crowd from nearby Villagers and there is every likelihood that there will be breakage of law and order. Before conducting such festival, the rival groups, who have engaged in a tussle during 2015, have to settle their dispute amicably failing which, there is every possibility of a clash between those two groups. In such circumstances, the respondent opposed the relief sought for in this writ petition and prayed for dismissal of this writ petition.

4. I heard the counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent. In the affidavit filed in support of this writ petition, the petitioner has conveniently suppressed the commotion that took place last year when a similar festival was conducted in the temple in question and the consequential registration of the criminal case. In the counter affidavit of the respondent, such details were furnished and the respondent apprehends that a similar clash will be likely this year if the temple festival is conducted. According to the respondent, the two groups, which have indulged in a clash last year have not buried their differences and there is every likelihood that the incident took place last year will be repeated. I find force in the averments made in the counter affidavit of the respondent. The apprehension raised by the respondent for conduct of the festival cannot be ignored by this Court. In such circumstances, I am not inclined to issue a direction to the respondent to permit the petitioner to conduct the temple festival on 12.02.2016. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

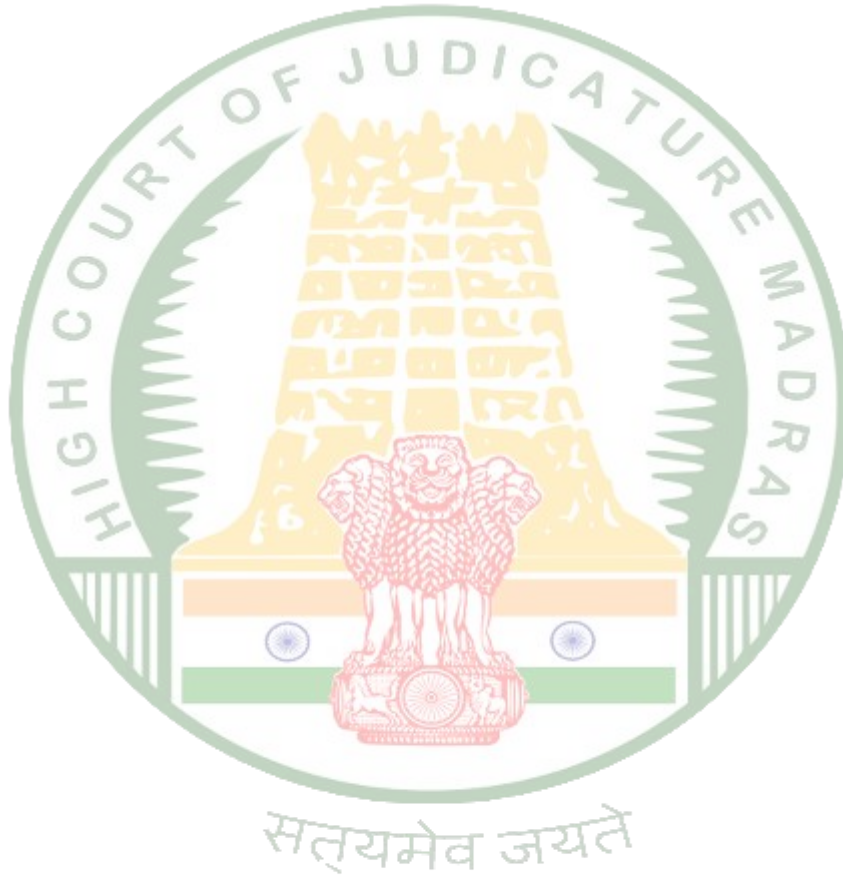
rsh

To

The Inspector of Police
M-5, Ennore Police Station
Ennore, Chennai - 600 057

WP No. 4819 of 2016

RSY (CO)
kk 10/3



WEB COPY