



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2016

CORAM:

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.16305 of 2016

G.Murali Krishnan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to give permission to conduct Vinayagar Sadhurthi festival scheduled at Shenbaga Vinayagar temple situated at LRS Palayam, Tenkasi, Tirunelveli District as stated in the representation of the petitioner dated 20.08.2016 and 26.08.2016 given to the respondents.

For Petitioner : Mr.R.J.Karthick

For Respondents: Mr.R.Karthikeyan,
Addl. Govt. Pleader.

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission to conduct Vinayagar Sadhurthi festival at Shenbaga Vinayagar temple situated at LRS Palayam, Tenkasi, Tirunelveli District by considering the representations of the petitioner dated 20.08.2016 and 26.08.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that every year Vinayagar Chathurthi festival is being conducted by the people in the locality by keeping the Vinayagar idol for three days and thereafter, taking the idol to a river and immersing the same in the river and that a representation was given to the respondents seeking permission and protection for the said festival, but, however, the same was not considered by the respondents so far and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner, there will be no untoward incident on account of this celebration.

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4.The learned Additional Government Pleader appearing for the



respondents has filed a counter affidavit and submitted that if the Vinayagar Sadhurthi festival will be celebrated at Koolakadai Baazar, Tenkasi, Tirunelveli District, the respondents would consider the request of the petitioner on merits and in accordance with law with stringent conditions for maintaining law and order.

5. Accordingly, this Writ petition is disposed of, directing the respondents to grant permission and police protection to conduct Vinayagar Chathurthi festival. However, such festival should be conducted in the following manner:

(a) The Vijayagar Chathurthi festival should be conducted at Koolakadai Baazar, Tenkasi, Tirunelveli District.

(b) There should not be any kind of obscene dance or vulgar dialogues during the festival, by anyone of the participants;

(c) Double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) No dance or songs, touching upon any political party or religion, community or caste be played;

(e) No flex boards in support of any political party or religious leader be erected;

(f) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(g) If there is any untoward incident took place, the petitioner is made responsible for the same;

(h) The petitioner is directed to submit a demand draft for Rs.25,000/- (Rupees twenty five thousand only) drawn in favour of the 2nd respondent before the 2nd respondent;

(i) After the above said festival is over in a peaceful manner, the demand draft shall be return back to the petitioner; and

(j) The respondent concerned is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1. The Assistant Superintendent of Police, Tenkasi, Tirunelveli District.
2. The Inspector of Police, Tenkasi Police Station, Tirunelveli District.

+1CC to M/S. R.J.Karthick, Advocate, SR.No. 49919
+1CC to the Special Government Pleader, SR.No. 49944.

ORDER MADE IN
W.P (MD) No.16305 of 2016
02.09.2016

nbj