

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated : 28.07.2017

CORAM :

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13986 of 2017

Nethiranandham

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2. The Inspector of Police,
Anna Nagar Police Station,
Madurai City.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the second respondent to give proper permission and protection for Arulmigu Kattikulam Sootukole Ramalinga Swamy's 98th effort festival at abode of monks in Arulmigu Kattikulam Sootukole Ramalinga Swamy, Vandiyur, Madurai District and "Sathiya Harichandra" Muthological Nadagam on 10.08.2017 at about 10.00 P.M. To 06.00 A.M.

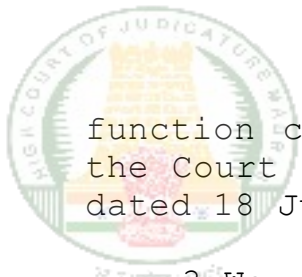
For Petitioner : Mr.P.P.Illaiyarasu.

For Respondents : Mr.M.Govindan, Spl.GP.

O R D E R(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

This writ petition has been filed for directing the second respondent to give permission for holding the festival in Kattikulam Sootukole Ramalinga Swamyigal Madalayam, Vandiyur during the night hours on 10 August 2017 from 10.00 P.M. To 06.00 A.M. and conduct "Sathya Harichandra" drama.

2. When the writ petition came up for admission, the learned Special Government Pleader taking notice for the respondents opposes the said request on the ground that such conduct of



function cannot be permitted beyond 10.00 p.m. He also informed the Court that prohibitory orders have been passed vide Memorandum dated 18 July 2017.

3. We went through the copy of the said memorandum dated 18 July 2017.

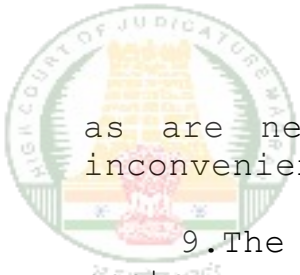
4. It is seen that the said order would expire on 02 August 2017. The religious function in question is to be conducted on 10 August 2017. Therefore, no reliance can be placed on the prohibitory order dated 18 July 2017. That apart, the prohibitory order that is passed under Section 41(A) of Tamil Nadu City Police Act, 1888, would not apply to any meeting, assembly or procession of purely religious character. Arulmigu Kattikulam Sootukole Ramalinga Swamigal was a renowned mystic and saint and the function is to be held only in the Madalayam premises.

5. It is not the case of the respondents that the conduct of the festival would give a rise to any law and order problem. It is a purely religious function. What is proposed to be enacted is the drama of "Sathiya Harichandra". The affidavit filed in support of the writ petition discloses that for almost 100 years, this function is being celebrated. Only during last year, the police imposed a restriction that the function should not be conducted beyond 10.00 p.m. That was because Vandiyur came within the City police limits only last year. Merely because there is alteration in the territorial jurisdiction of the police station, the customary conduct of such religious festivals cannot be consequently impacted. So long as the traditional manner of conducting the festival is not found to be offending the statutory or constitutional provisions, the same will have to be permitted.

6. As already submitted, the programme is to be conducted within the Madalayam premises. The writ petitioner states that the 98th Anniversary should be allowed to be conducted in the same manner in which, they have been celebrating all these years. Only during the last years, there was an intervention and restriction imposed by the second respondent.

7. We are of the view that when the general public have not been put to any inconvenience on account of the conduct of the religious function by the writ petitioner, it is not proper on the part of the second respondent to deny permission to the writ petitioner to celebrate the function in the traditional manner.

8. We therefore direct the second respondent to permit the conduct of the 98th Anniversary of Arulmigu Kattikulam Sootukole Ramalinga Swamy at Arulmigu Kattikulam Sootukole Ramalinga Swamy Vandiyur and also enact "Sathiya Harichandra" drama on 10 August 2017 from 10.00 P.M. to 06.00 A.M. It is of course open to the second respondent to stipulate such condition



as are necessary to maintain law and order problem and avoid inconvenience to the general public.

9. The writ petition is allowed with the above observation. No costs.

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Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Anna Nagar Police Station,
Madurai City.

+1cc to M/S. R.UDHAYAKUMAR, Advocate, SR.No.68481.

+1cc to Special Government Pleader, SR.No.69337.

W.P(MD)No.13986 of 2017
28.07.2017

SkM / Arul

SDS/SV:MMS/SAR 3/07.08.2017/3P/5C