

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

DATED: 31.07.2017
CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR
W.P.(MD) No. 14042 of 2017

P.Rajamani

... Petitioner

-Vs-

1. The Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Deputy Superintendent of Police,
Sivagangai District District,
Sivagangai.

2. The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give police protection and mike set permission to the religious worship of Mulaipari by the petitioner and other devotees in the private land of Subramanian in Survey Number 323/3 and in the private land of Selvaraj in Survey Number 331/5 respectively situated in Bramanakuruchi Village, Elayankudi Taluk, Sivagangai District from 01.08.2017 to 09.08.2017 by considering the petitioner written representation dated 21.07.2017 or otherwise also within the time to be fixed by this Court.

For Petitioner : Mr.P.Senthurpandian.
For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to give police protection and mike set permission to the religious worship of Mulaipari by the petitioner and other devotees in the private land of Subramanian in Survey Number 323/3 and in the private land of Selvaraj in Survey Number 331/5 respectively situated in Bramanakuruchi Village, Elayankudi Taluk, Sivagangai District from 01.08.2017 to 09.08.2017, by considering the petitioner's written representation dated 21.07.2017 or otherwise also within the time to be fixed by this Court.



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

3. The learned counsel for the petitioner states that the petitioner has no objection with regard to the resolution passed in the Peace Committee Meeting dated 29.07.2017 and also for disposing the Writ Petition in terms of the resolution passed by the Peace Committee Meeting.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that a peace committee meeting was conducted on 29.07.2017 and the matter was also resolved amicably by the participants of the two factions, in relation to conduct the festival for "Sri Mandhaipidai Amman Kovil", Bramanakuruchi, Sivagangai District. The resolution passed and signed by both parties and proceedings of the peace committee is produced before this Court by the learned Special Government Pleader. The learned Special Government Pleader further submitted that the respondents have no objection to permit the petitioner to use mike set in the said function and he fairly conceded that necessary permission can be given to the said function, with stringent conditions.

5. Taking into consideration the facts of the present case, this Court is inclined to pass the following direction:-

"The Third respondent/Inspector of Police, Elayankudi Police Station, Sivagangai District, is directed to consider the petitioner's representation dated 21.07.2017 and to give permission and to provide police protection for religious worship of Mulaipari by the petitioner and other devotees in the private land of Subramanian in Survey Number 323/3 and in the private land of Selvaraj in Survey Number 331/5 respectively situated in Bramanakuruchi Village, Elayankudi Taluk, Sivagangai District from 01.08.2017 to 09.08.2017, subject to the following conditions;

(a) the "religious worship of Mulaipari" by the petitioner and other devotees in the private land of Subramanian in Survey Number 323/3 and in the private land of Selvaraj in Survey Number 331/5 respectively situated in Bramanakuruchi Village, Elayankudi Taluk, Sivagangai District from 01.08.2017 to 09.08.2017 should be completed before 10.30 p.m.

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

<https://hcservices.ecourts.gov.in/> the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;



(d) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(e) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(f) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to respondent police to put any further restriction or to impose any condition purely in the interest of preserving public order and communal harmony. There can be a total ban for putting of any Flex Boards representing any community.

7. With the above directions, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sivagangai District, Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai District District,
Sivagangai.
3. The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

+1cc to M/S. P.SENTHURPANDIAN, Advocate, SR.No.69238.

+1cc to Special Government Pleader, SR.No.69378.

W.P. (MD) No. 14042 of 2017
31.07.2017