

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

DATED: 28.07.2017
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR
W.P.(MD) No. 14085 of 2017

Chinna Velu

... Petitioner

-Vs-

1. The Superintendent of Police,
Madurai District.
2. The Sub Inspector of Police,
Sedapatti Police Station,
Madurai District.
3. Mayan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to provide adequate police protection to the temple festival of Arulmighu Sri Otchandamman Ayyan Temple at Perungamanallur Viillage, Periyar Taluk, Madurai District on 03.08.2017 and 04.08.2017.

For Petitioner : Mr.M.Maran
For R1 and R2 : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the second respondent to provide adequate police protection to the temple festival of Arulmighu Sri Otchandamman Ayyan Temple at Perungamanallur Viillage, Periyar Taluk, Madurai District on 03.08.2017 and 04.08.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

3. The grievance of the petitioner is that the temple festival is being organized and celebrated on earlier occasion without any untoward incident. However, the third respondent herein wants to create some law and order problem regarding the temple festival. Hence the petitioner and the villagers approached the first respondent seeking police protection by way of representation, dated 26.07.2017.

4.It is the contention of the petitioner that the villagers have made all the arrangements to conduct the temple festival on 03.08.2017 and 04.08.2017. Hence, a direction to the respondents to permit the petitioner to conduct the temple

festival as scheduled is sought for. However, the petitioner has approached this Court at 11th hour.

5. By consent, this writ petition is disposed of at the admission itself. However, the right of the petitioner to conduct the temples festival cannot be affirmed without issuing notice or without hearing the third respondent or other necessary parties. Hence, in the interest of justice, this Court is of the view that the matter has to be considered by the second respondent, after giving sufficient opportunity to the parties who are interested and concerned. Accordingly, this Court is inclined to give the following direction:

(i) The second respondent is directed to consider the representation of the petitioner dated 26.7.2017 on merits and in accordance with law, after giving opportunity to the petitioner as well as the third respondent. If on enquiry the second respondent comes to know that the right of any individual or community in relation to grant of such protection to conduct the festival in the temple in question is involved, the second respondent may also issue notice to them. After hearing all the persons, who are interested, the second respondent shall pass appropriate order subject to any restriction or condition.

7. It is open to the respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community. The petitioner and their people are expected to co-operate with the respondent police so as to ensure smooth conduct of the festival and related programmes.

8. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District.

2. The Sub Inspector of Police,
Sedapatti Police Station,
Madurai District.

+1cc to M/S. M.MARAN, Advocate, SR.No.68837.

+1cc to Special Government Pleader, SR.No.69322.

W.P.(MD) No. 14085 of 2017
28.07.2017