



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 15427 of 2017

WEB COPY

M.Vignesh Kumar

... Petitioner

-Vs-

1.The Superintendent of Police,
Superintendent of Police Office,
Madurai.

2.The Inspector of Police,
Usilampatti Police Station,
Usilampatti, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and police protection for "Vinayagar Chathurthi festival" scheduled from 25.08.2017 to 27.08.2017 in Periyachemettu Patti Village, Seemaanoothu Village, Usilampatti Taluk, Madurai District by considering the representation of the petitioner dated 09.08.2017.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.S.Sadhishkumar,
Government Pleader.

O R D E R

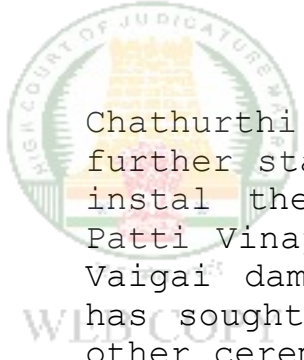
The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondents to grant permission and police protection for "Vinayagar Chathurthi festival" scheduled from 25.08.2017 to 27.08.2017 in Periyachemettu Patti Village, Seemaanoothu Village, Usilampatti Taluk, Madurai District by considering the representation of the petitioner dated 09.08.2017.

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

3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Vinayagar Chathurthi festival" on 25.08.2017 to 27.08.2017 in Periyachemettu Patti Village, Seemaanoothu Village, Usilampatti Taluk, Madurai District. He further submitted that in this connection, a representation was given to the respondent on 09.08.2017.

<https://hcservices.ecourts.gov.in/hcservices/>

4.In the representation, it is stated that the petitioner is the President of the Committee, which organize the Vinayagar



Chathurthi Festival for the past more than ten years. It is further stated that this year the entire villagers have decided to instal the Vinayagar Idol which is in front of Periyachemettu Patti Vinayagar Temple and to immersion of Lord Vinayagar Idol at Vaigai dam on 27.08.2017. In this circumstances, the petitioner has sought for permission for mike set and to perform Pooja and other ceremony in relation to the Vinayagar Chathurthi Festival.

5.The learned Government Pleader appearing for the respondents on instructions submitted that this Court may grant permission for "Vinayagar Chathurthi festival" subject to stringent conditions.

6.In view of the specific submission that the petitioner is being organizing Vinayagar Chathurthi Festival for the past ten years and it is represented before this Court that the entire villagers belonging to one community, one religion and have a common intention to conduct Vinayagar Chathurthi Festival peaceful manner, this Court of the view that such permission have to be granted subject to the following conditions.

(a)The programme proposal indicated in the application dated 09.08.2017, should be strictly adhered to. If, the respondents have any suggestions regarding the procession, so as to avoid nuisance or to preserve public order and communal harmony, the petitioner is directed to co-operate fully without any deviation.

(b)The petitioner and the organizers shall conduct the programme in a peaceful manner without causing any hindrance to the public, affecting their normal life or causing any problem or provoking anyone belonging to any other religions.

(c)The petitioner and his men shall abide by any other restrictions or conditions that may be put by the respondents during the performance of Pooja or any other religious ceremony.

(d)The place in which the Vinayagar Statue is located and the manner in which the procession shall take place, should be intimated to the respondents well in advance.

(e)There will not be any song or slogan or dance affecting the religious sentiments of any other religion;

(f) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(g) The petitioner and their men shall provide sufficient security to the idols installed by them on their own and the petitioner can not expect the respondent to provide any police force to be deployed at the place when the idols of Lord Vinayagar



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

(i) 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;

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

(k) 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 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. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Superintendent of Police Office,
Madurai.

2. The Inspector of Police,
Usilampatti Police Station,
Usilampatti, Madurai.

+1cc to M/S.H.ARUMUGAM, Advocate SR.No.73333

+1cc to Special Government Pleader, SR.No.73493

rmk/cmr

MAS/KP/SAR2:24.08.2017:3P-5C

W.P.(MD) No. 15427 of 2017
18.08.2017