



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15460 of 2017

Nageswaran

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Samayanallur, Madurai District.
3. The Inspector of Police,
Alanganallur Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to grant permission and provide adequate police protection for the procession of Vinayagar Statues and immerse in Vaigai River in connection with Vinayagar Chathurthi Festival scheduled to be commenced on 25.08.2017 to 31.08.2017 by considering petitioner's representation dated 01.08.2017.

For Petitioner : Mr.R.Manoharan

For Respondents : Mr.S.Sadhish Kumar
Government Pleader.

ORDER

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 provide adequate police protection for the procession of Vinayagar Statues and immerse in Vaigai River in connection with Vinayagar Chathurthi Festival scheduled to be commenced on 25.08.2017 to 31.08.2017 by considering the petitioner's representation dated 01.08.2017.

2.Heard the learned counsel appearing for the petitioner

and the learned Government Pleader appearing for the respondents.

3. The learned Additional Government Pleader appearing for the respondents produced before this Court a copy of the communication received from the Special Sub Inspector, Alanganallur Police Station, Madurai District, dated 18.08.2017. The communication dated 18.08.2017 indicates that the petitioner has not conducted Vinayagar Chathurthi festival by keeping the Vinayagar idol in the public place in the village during the past. It is also stated that permitting the celebration of Vinayagar Chathurthi is likely to create law and order problem. It was in that basis, the Special Sub Inspector of Police requested not to grant permission.

4. The learned counsel appearing for the petitioner, however, submitted that celebration of Vinayagar Chathurthi festival in the temple cannot be prohibited unless it is likely to cause any law and order problem. In this case, the petitioner seeks only installation of Vinayagar Idol at a public place in the village and the same can be permitted without affecting the religious sentiments of anyone. Even in the communication dated 18.08.2017, no other serious issue was referred to.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to dispose of the Writ Petition with a direction to the third respondent to permit the petitioner to conduct Vinayagar Chadurthi Festival and Vinayagar Statue Procession and to provide adequate police protection from 25.08.2017 to 31.08.2017, subject to the following conditions:

(a) The programme proposal indicated in the representation dated 01.08.2017, should be strictly adhered to. If, the third respondent has any suggestion 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 respondent 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 is installed.

(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. No costs. .

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Samayanallur, Madurai District.
3. The Inspector of Police,
Alanganallur Police Station,
Madurai District.

+1cc to Mr.R.Manoharan, Advocate in Sr.No.73440

srm

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