

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.08.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.15550 of 2017**

A.Balamurugan

... Petitioner

Vs.

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

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

... 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 to conduct 'Vinayagar Sathurthi Festival, Annadhana Function, conducting sports for the children for the welfare and development of children and procession to lay the Vinayagar Statue at the Water shed' to be held from 25.08.2017 to 27.08.2017 at Villapuram Madurai.

For Petitioner : Mr.M.Kaliraj

For Respondents : Mr.S.Sadhish Kumar

Additional 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 to conduct 'Vinayagar Sathurthi Festival, Annadhana Function, sports events for the children for the welfare and development of children and procession to lay the Vinayagar Statue at the Water shed' to be held between 25.08.2017 and 27.08.2017 at Villapuram Madurai.

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

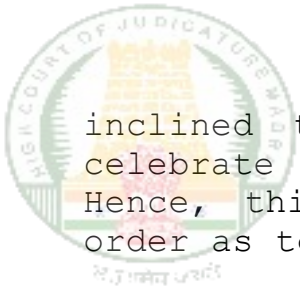


3.The learned counsel for the petitioner states that the people who are living in and around Villapuram, Madurai, constituted a committee for conducting Vinayagar Chadurthi Festival from 25.08.2017 to 27.08.2017. The petitioner further stated that in connection with Vinayagar Chadurthi Festival, the petitioner has also decided to give annadhanam and to conduct a sports event for children and other programmes.

4.The learned Additional Government Pleader appearing for the respondents produced a copy of the representation that was sent to the respondent police by a muslim organisation known as 'As-Salaam Islamia Podhu Nala Sangam'. In the representation of the muslim organisation, it was stated that during previous year an attempt was made to instal Vinayagar idol in Villapuram area and the respondent police prevented the said attempt so as to bring normalcy and public peace in the area. It was further stated that some group of persons only for the purpose of causing hindrance and to disturb public peace are making some attempt to celebrate Vinayagar Chadurthi Festival and to conduct the procession in connection with Vinayagar Chadurthi with a clear intention to create some problem and to divide the people. It is further represented that such individual organisers are doing this with an intention to disturb peace and that they are only anti-social elements. The learned Additional Government Pleader appearing for the respondents also produced a copy of the communication received from the Special Sub Inspector of Police, dated 18.08.2017. The information furnished by the Special Sub Inspector of Police, Avaniyapuram Police Station would clearly show that the place, that was earmarked for installation of idol and for celebrating Vinayagar Chadurthi, is within hundred meters from the Rahumaniya Pallivasal, within three hundred meters from Thavhimasjit Pallivasal, within six hundred meters from Jannathul Brothers Pallivasal and within seven hundred meters from Thakkuva Pallivasal.

5.The second respondent also filed a detailed counter affidavit pointing out the nature of the complaint lodged by the President of 'As-Salaam Islamia Podhu Nala Sangam' and the likelihood of breach of public peace and tranquillity, apart from communal amity. It is specifically stated that in Villapuram, particularly, in the area in which the permission is sought for, was not chosen earlier for celebrating Vinayagar Chadurthi Festival or to install Vinayagar Idol. The petitioner has not placed any material before this Court to point out that the petitioner or any other group were conducting the festival in the same place during the past without any hindrance.

6.Having regard to the facts narrated by the learned Additional Government Pleader and the information furnished by the second respondent and also considering the apprehension expressed before this Court by the second respondent, this Court is not



inclined to grant permission to the petitioner to conduct / celebrate Vinayagar Chadurthi Festival in Villapuram, this year. Hence, this Writ Petition is dismissed. However, there is no order as to costs.

WEB COPY

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram,
Madurai.

+1cc to The Spl.Government Pleader Sr.No.74685

SRM

VB/MR/KKR/SAR2/11/09/2017/3P/4C

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21.08.2017