



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15565 of 2017

S.P.Naveen Kumar

... Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.

3.The Inspector of Police, (Circle)
Checkanurani Police Station,
Madurai District.

4.The Sub Inspector of Police,
Vandalur Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order dated 16.08.2017 passed by the third and fourth respondent and quash the same and consequently directing the respondents herein to grant permission to erection of Vinayagar Idol on 25.08.2017 and to conduct the "Vinayagar Idol Procession" on 27.08.2017 in pursuant to the "Vinayagar Chathurthi festival" of "Arulmigu Vinayagar Thirukoil" situated at Vandalur Post, Usilampatti Taluk, Madurai District and to provide adequate police protection.

For Petitioner : Mr.R.Amarnath

For Respondents : Mr.Sadhishkumar,

Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 16.08.2017 passed by the third and fourth respondent and quash the same and consequently directing the respondents herein to grant permission to erection of Vinayagar Idol on 25.08.2017 and to conduct the "Vinayagar Idol Procession" on 27.08.2017 in pursuant to the "Vinayagar Chathurthi festival" of "Arulmigu



Vinayagar Thirukoil" situated at Valandur Post, Usilampatti Taluk, Madurai District and to provide adequate police protection.

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 would submit that the villagers jointly decided to conduct the "Vinayagar Chathurthi festival" of "Arulmigu Vinayagar Thirukoil" situated at Valandur Post, Usilampatti Taluk, Madurai District. In this connection, a representation dated 16.08.2017, was given to the fourth respondent police, with a request to grant permission and police protection to install Lord Vinayagar Idol and to conduct the "Vinayagar Idol Procession" on 27.08.2017. However, by the impugned order dated 16.08.2017, the petitioner's representation was rejected by the fourth respondent, mainly on the ground that the petitioner had not installed Lord Vinayagar Idol in Valandur Post during the last year and there is likelihood of law and order problem, if permission is granted for the first time in this year. It was also referred that there is a likelihood of some problem during the procession. When it was suggested to the learned Special Government Pleader, whether the petitioner can be given permission to celebrate the festival along with others and to permit the petitioner to join the procession, if anybody already got permission to organise such programme, belonging to neighbour villages, it was reported by the learned Special Government Pleader, that the petitioner can be permitted to celebrate the festival along with others and to take Lord Vinayagar Idol in procession in consonance with the others who got such permission already.

4. The learned Special Government Pleader, further submitted that the petitioner's village is a small village and only about 300 families are residing there. There was no serious objection from the third respondent, in connection with the festival of Vinayagar Chadurthi and to take the Lord Vinayagar Idol in procession.

5. Considering the facts and circumstances, the impugned order passed by the third and fourth respondent, dated 16.08.2017 is set aside and the Writ Petition is allowed and permission is granted to the petitioner and his villagers to instal the Lord Vinayagar Idol and conduct the Lord Vinayagar Idol procession strictly in accordance with the route that is prescribed by the third respondent, subject to the following conditions :

(a) The programme proposal indicated in the application dated 16.08.2017 should be strictly adhered to. If, the 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 (CS II)

/True Copy/



To

1.The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.

3.The Inspector of Police, (Circle)
Checkanurani Police Station,
Madurai District.

4.The Sub Inspector of Police,
Valandur Police Station,
Madurai District.

1CC TO Mr.R.Amarnath, Advocate, Sr No.73415

Dss/cmr

SDS/SV MMS/ SAR1 - 24/08/2017 4P 6C

W.P. (MD) No. 15565 of 2017

21.08.2017