



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15569 of 2017

WEB COPY

V.K.K.Nagarajan

... 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,
Valandur Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 16.08.2017 passed by the 3rd and 4th respondent and quash the same and consequently directing the respondents herein to grant permission to erection of Vinayagar Idol on 23.08.2017 and to conduct the Vinayagar Idol Procession on 25.08.2017 in pursuant to the Vinayagar Chathurthi Festival of Arulmighu Vinayagar Thirukoil situated at K.Nattapatti, Valandur Post, Usilampatti Taluk, Madurai District and to provide adequate police protection.

For Petitioner	: Mr.R.Amarnath
For Respondents	: Mr.S.Sadhishkumar
	Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 16.08.2017 passed by the 3rd and 4th respondents and quash the same and consequently directing the respondents herein to grant permission to erect Vinayagar Idol on 23.08.2017 and to conduct the Vinayagar Idol Procession on 25.08.2017 pursuant to the Vinayagar Chathurthi Festival of Arulmighu Vinayagar Thirukoil situated at K.Nattapatti, 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 submitted that every year the villagers have jointly conducted Vinayagar Chadurthi Festival and this year also the villagers jointly decided to conduct Vinayagar Chadurthi Festival and Vinayagar Statue Carinval from 23.08.2017 to 25.08.2017, at K.Nattapatti, Valandur Post, Usilampatti Taluk, Madurai District. He further submitted that in this connection, a representation was also given to the fourth respondent on 16.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates. However, the respondents 3 and 4 have declined to grant permission on the ground that the petitioner has not installed Vinayagar statue in previous years and there is likelihood of law and order problem while installing and taking in procession of Vinayagar statue.

4. The learned Additional Government Pleader, on instructions, submitted that the respondents have serious objection. But he fairly conceded that permission may be granted, if the petitioner and other organizers, strictly adhere to the route and in case of any deviation, that may be suggested by the authorities concerned, having regard to the public convenience or any antecedent to maintain public order.

5. Taking into consideration the facts and circumstances of the case, the impugned order passed by the respondents 3 and 4, dated 16.08.2017, is set aside and the Writ petition is allowed. The third respondent is directed to permit the petitioner to conduct Vinayagar Chadurthi Festival and Vinayagar Statue Procession and to provide adequate police protection from 23.08.2017 to 25.08.2017 at K.Nattapatti, Valandur Post, Usilampatti Taluk, Madurai District, subject to the following conditions:

(a) The programme proposal indicated in the application dated 16.08.2017, should be strictly adhered to. If, the third respondent has any suggestion regarding the route of 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.

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

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District.

2. The Deputy Superintendent of Police,
Esplanade 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 M/S.R.Amarnath, Advocate SR.No. 73773

W.P.(MD) No. 15569 of 2017
22.08.2017

SRM

JM/SV MMS/SAR 2/23.08.2017/4P/6C