



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15631 of 2017

M.Ambeth

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to grant permission and to provide police protection to conduct the erection of Vinayagar Idol on 25.08.2017 and to conduct 'Vinayagar Idol Procession' on 27.08.2017 to the respondent in pursuant to the Vinayagar Chathurthi Festival of Arulmigu Vinayagar Thirukoil situated at Polipatti Village, Vadugapatti Post, Usilampatti Taluk, Madurai District by considering the petitioner's representation dated 16.08.2017.

For Petitioner : Mr.S.Mahendrapathy

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 Mandamus, to direct the respondents herein to grant permission and to provide police protection to conduct the erection of Vinayagar Idol on 25.08.2017 and to conduct 'Vinayagar Idol Procession' on 27.08.2017 in pursuant to the Vinayagar Chathurthi Festival of Arulmigu Vinayagar Thirukoil situated at Polipatti Village, Vadugapatti Post, Usilampatti Taluk, Madurai District by considering the petitioner's representation dated 16.08.2017.

<https://hcservices.courtserviceindia.org/> 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 celebrated Vinayagar Chadurthi Festival and this year also the villagers jointly decided to celebrate Vinayagar Chadurthi Festival and Vinayagar Idol Procession on 25.08.2017 and 27.08.2017, at Polipatti Village, Vadugapatti Post, Usilampatti Taluk, Madurai District. He further submitted that in this connection, a representation was also given to the respondents on 16.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates. Since the said representations have not been considered by the respondents, the petitioner has come forward with this Writ Petition.

4.The learned Additional Government Pleader, on instructions, submitted that this Court may grant permission for the petitioner to perform Vinayagar Chadurthi Festival with stringent conditions.

5.Having regard to the facts and circumstances of the case, this Court directs the second respondent to permit the petitioner to conduct Vinayagar Chadurthi Festival and Vinayagar Idol Procession and to provide adequate police protection on 25.08.2017 and 27.08.2017, subject to the following conditions:

(a)The programme proposal indicated in the representation dated 16.08.2017, should be strictly adhered to. If the second 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 ~~clowning~~ 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.

WEB COPY

(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 Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.

+One cc to Mr.S.Mahendrapathy, Advocate, SR.No.74002

SRM

RL/4C/3P/KK/SAR1/24/8/2017

W.P.(MD) No. 15631 of 2017