

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.08.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.15777 of 2017**

R.Muthupandi

... Petitioner

-Vs-

1. The Deputy Superintendent of Police,
Sankarankovil Range,
Tirunelveli District.

2. Inspector of Police,
Karivalamvanthanallur Police Station,
Tirunelveli District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioners representation dated 05.08.2017 and grant permission to conduct Vinayagar Chathurthi Festival on 25.08.2017 to 27.08.2017 at Kalingapatti Village, Tiruvenkadam Tk, Tirunelveli District.

For Petitioner: Mr.M.Karthikeyavenkitachalapathy

For Respondent: Mr.S.Sadhishkumar

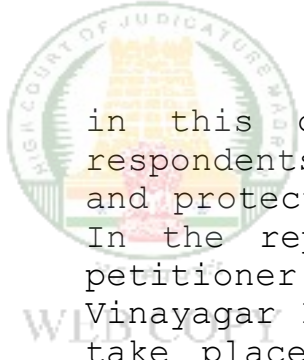
Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a writ of Mandamus, directing the respondents to consider the petitioners representation dated 05.08.2017 and grant permission to conduct Vinayagar Chathurthi Festival on 25.08.2017 to 27.08.2017 at Kalingapatti Village, Tiruvenkadam Tk, Tirunelveli dist.

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

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 25.08.2017 to 27.08.2017 night at Kalingapatti Village, Tiruvenkadam Tk, Tirunelveli District. He further submitted that



in this connection, a representation was also given to the respondents dated 05.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates. In the representation of the petitioner, dated 05.08.2017, the petitioner has stated the particulars of the place, in which the Vinayagar Idol is kept and the route, in which the procession will take place, on 25.08.2017 to 27.08.2017. It is also stated the manner, in which the Pooja and other things should be performed, as decided by the public as well as the members of the committee, who have undertaken to organize the Vinayagar Chadurthi Festival. In such circumstances, the petitioner states that they are entitled to get permission and also police protection for three days, namely on 25.08.2017 to 27.08.2017.

4. The objection for granting such permission is by referring the criminal complaint registered in Crime Nos.45 and 46 of 2017 and the learned Government Additional Government Pleader produced both the complaints. The First Information Report in Crime No.45 of 2017 is registered on the basis of the complaint given by one Mohamad Sulika, wife of Abubucker and the FIR in Crime No.46 of 2017 is again registered on the basis of the complaint given by one Manikandan.

5. A reading of the criminal complaint in both the cases indicated that the dispute between the person is purely on personal and it is not in connection with any religious affairs or in relation to any festival organised by either of them. However it is submitted that one of the complaint was given by Manikandan who is instrumental in making arrangements to celebrate the festival as it will create some problem.

6. However, the learned counsel for the petitioner is prepared to give an undertaking that the said Manikandan, who is involved in the criminal case will not participate and that the petitioner ensure that the said Manikandan will abstain from involving himself in relation to Vinayagar Chathurthi Festival.

7. The other objections raised by the learned Government Additional Government Pleader on the basis of the information furnished by the inspector of police, Karivalamvanthanallur Police are not serious. Though it is stated that one Roman Catholic church is located within 100 meters from the Vinayakar Temple and TDTA School is within a 100 meter distance from the Vinayakar temple, this Court is not able to justify to prevent the villagers from celebrating the Vinayagar Chathurthi Festival, merely because school and Church are located within 100 meters. It is admitted that the muslim Population living on the other side of river. Since the river separates the petitioner's village, the petitioner ~~senior counsel~~ they will not go near residential area of Muslim Population for celebrating the Vinayagar Chathurthi Festival.



8. The learned Additional Government Pleader fairly conceded that, permission may be granted, if the petitioner and other organizers, strictly adhere to the route and in case of any deviation, as may be suggested by the authorities concerned, having regard to the public convenience or any antecedent to maintain public order. In the said circumstances, this Court is inclined to allow the Writ Petition and the respondent is directed to permit the petitioner to conduct Vinayagar Chadurthi Festival and Vinayagar Statue Procession and to provide adequate police protection from 25.08.2017 to 27.08.2017 at Kalingapatti Village, Tiruvenkadam Tk, Tirunelveli District, subject to the following conditions:

(a) The programme proposal indicated in the application dated 05.08.2017, 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.

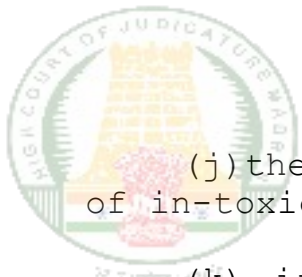
(e) There will not be any song or slogan or dance affecting the religious sentiments of any other religion;

(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;

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(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.

9. It is made clear that it is always open to the respondent to take any precautionary measures so as to prevent the any kind of communal are religious problems. For preserving the public order and communal harmony the respondent shall impose any reasonable restrictions or conditions subject to which the programme of festival should be conducted by the petitioner and other villagers. If any restrictions or regularisation is imposed by the respondent, the petitioner's villagers are expected to obey the same. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Sankarankovil Range,
Tirunelveli District.
2. Inspector of Police,
Karivalamvanthanallur Police Station,
Tirunelveli District.

+1cc to M/S. M.Karthikeyavenkitachalapathy, Advocate, SR.No.74533.

W.P. (MD) No.15777 of 2017
24.08.2017

trp/vsg

SDS/SV:MMS/SAR 1/24.08.2017/4P/4C