



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM

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

W.P.(MD) No.15807 of 2017

WEB COPY

R.B.Karuppu

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his order dated 20.08.2017 and quash the same as it is non application of mind and consequently directing the respondents to grant permission to Celebrate Vinayagar Chaturthi Festival at Annaparpatti, Usilampatti Taluk, Madurai District, dated 25.08.2017 to 29.08.2017.

For Petitioner : Mr.G.Radhakrishnan
For Respondents : Mr.S.Sadhishkumaran
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his order dated 20.08.2017 and quash the same as it is non application of mind and consequently directing the respondents to grant permission to Celebrate Vinayagar Chaturthi Festival at Annaparpatti, Usilampatti Taluk, Madurai District, dated 25.08.2017 to 29.08.2017.

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 25.08.2017 to 29.08.2017, at Annaparpatti, Usilampatti Taluk, Madurai District. He further submitted that in this connection, a representation was also given to the respondent on 18.08.2017, with a request to grant



permission and protection to conduct the programmes on the above said dates. The representation of the petitioner, dated 18.08.2017, was rejected by the second respondent on the ground that the petitioner is seeking permission for the first time to install Idol of Vinayagar and to Celebrate Vinayagar Chathurthi and it was further stated that by giving permission to install Vinayagar Idol in new places there is likely hood of some law and order problem. But in fact, the petitioner is organizing the festival for the past six years.

4.The learned Additional Government Pleader, on instructions, submitted that the respondent has serious objection that if permission is granted there is likely hood of some law and problem.

5.However, the respondent cannot justify the order, refusing to give permission, only on the ground that the petitioner cannot be given permission from this year, as he has not obtain permission during past and there is likely hood of some law and order problem. In this case the petitioner seeks permission to conduct festival in a remote village. It is to be noted that the respondent has not given any other reason to entertain the idea that there may be law and order problem among the village people in celebrating the Vinayagar Chathurthi festival.

6.Permission cannot be denied to any one unless there are strong reasons to be recorded, in relation to maintenance of public peace and tranquillity. Hence, this Court is inclined to dispose of the Writ Petition and the respondent is directed to permit the petitioner to conduct Vinayagar Chadurthi Festival from 25.08.2017 to 29.08.2017 Annaparpatti, Usilampatti Taluk, Madurai District, subject to the following conditions:

(a)The programme proposal indicated in the application dated 18.08.2017, 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.

7. 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/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai,

<https://hcservices.maduraindist.net>



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

+1cc to M/S.G.Radhakrishnan, Advocate SR.No. 73776
+1cc to Special Government Pleader, SR.No. 74576

W.P.(MD) No. 15807 of 2017
22.08.2017

TA
JM/SV MMS/SAR 1/24.08.2017/4P/5C