



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15815 of 2017

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Thagaduraipandian

... Petitioner

Vs.

The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in order dated 20.08.2017 and quash the same and consequently direct the respondent to give necessary police protection and permit the petitioner to conduct "Vinayagar Sathurthi" programme during Arulmigu Sree Vinayagar Sathurthi Idol possession and dissolve in the water source at Vadamalapuram River at Radhakrishnan Colony, Sivakasi, Virudhunagar District on 24.08.2017 and 27.08.2017 and consider the petitioner's representation given to the respondent on 14.08.2017.

For Petitioner : Mr.Lakshmi Gobinathan

For Respondents : Mr.S.Sadhishkumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in order dated 20.08.2017 and quash the same and consequently direct the respondent to give necessary police protection and permit the petitioner to conduct "Vinayagar Sathurthi" programme during Arulmigu Sree Vinayagar Sathurthi Idol possession and dissolve in the water source at Vadamalapuram River at Radhakrishnan Colony, Sivakasi, Virudhunagar District on 24.08.2017 and 27.08.2017 and consider the petitioner's representation given to the respondent on 14.08.2017.

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 the



proposed by the petitioner. No other reason is stated by the respondent to reject the permission. The petitioner submitted that the petitioner undertakes that he is able to conduct the festival in peaceful manner. He further stated that the petitioner has been conducting the programme for two years.

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4. The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such tournament.

5. In the said circumstances, this Court is inclined to dispose of the Writ Petition and the respondent is directed to permit the petitioner to conduct Vinayagar Chadurthi programme and to provide adequate police protection from 24.08.2017 to 27.08.2017 at Vadamalapuram District, subject to the following conditions:

(a) The programme proposal indicated in the application dated 14.08.2017, 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;

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

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.

+1cc to M/S.Polax Legal Solutions, Advocate SR.No. 73785

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