



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15824 of 2017

K.Arumugam

... Petitioner

Vs.

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

2.The Inspector of Police,
Puliankudi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.08.2017 and grant permission to conduct Vinayakar Chathurthi festival on 25.08.2017 to 27.07.2017 at Vinayakarkovil Street, Sinthamani, Puliankudi Town, Tirunelveli District.

For Petitioner :Mr.M.Karthikeya Venkatachalapathy

For Respondents:Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the the respondents to consider the petitioner's representation dated 12.08.2017 and grant permission to conduct Vinayakar Chathurthi festival from 25.08.2017 to 27.07.2017 at Vinayakarkovil Street, Sinthamani, Puliankudi Town, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner submitted that every year the villagers have jointly conducted Vinayagar Chathurthi 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, at Vinayakarkovil



Street, Sinthamani, Puliankudi Town, Tirunelveli District. He further submitted that in this connection, a representation was also given to the respondent on 12.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates.

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4. Though the representation was given on 12.08.2017, the learned Special Government Pleader, produced a letter of the Inspector of Police, Puliankudi Police Station, Tirunelveli District, rejected the representation of the petitioner, on the following grounds.

(a) The place which was chosen by the petitioner for installation of Lord Vinayagar Idol is very near to school and hospital and the bus stand and there is likelihood to cause inconvenience to the public.

(b) It is revealed that the petitioner is instigated by one Mr. Ganesan, who is the Town President of Hindu Makkal Katchi and that therefore there is likelihood of law and order problem.

(c) The route in which the petitioner proposed to take Vinayagar idol in procession is not specified.

5. The learned counsel appearing for the petitioner after going to the objection raised by the Inspector of Police concerned, has submitted that the petitioner is prepared to give an undertaking, not to install the Idols in places which may cause inconvenience to the public and that they will also prescribe the route for having the Lord Vinayagar Idol on procession. The learned counsel appearing for the petitioner further undertook to convince the petitioner and his men that they will also abide by the procession route, if it is suggested by the respondent counsel.

In the said circumstances, this Court is inclined to pass the following direction:

The second respondent is directed to consider the petitioner's request to conduct the Vinayagar Chadurthi Festival and Lord Vinayagar Idol Procession from 25.08.2017 to 27.07.2017 at Vinayakarkovil Street, Sinthamani, Puliankudi Town, Tirunelveli District.

(a) The programme proposal indicated in the application dated 12.08.2017, 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 respondent 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.

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(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.

6. It is open to the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

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

2.The Inspector of Police,
Puliankudi Police Station,
Tirunelveli District.

+1CC to Mr.M.Karthikeya Venkatachalapathy, Advocate, SR.No. 74373
+1CC to the Special Government Pleader SR.No. 74634

W.P.(MD)No.15824 of 2017
23.08.2017

Is/mm

KK/SV MMS/SAR 1/24.08.2017/4P/5C