



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.15825 of 2017

WEB COPY

T.Mariappan

... Petitioner

-Vs-

1.The Deputy Superintendant of Police,
Pulinkudi Range,
Tirunelveli District.

2.Inspector of Police,
Pulinkudi 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 petitioner's representation dated 11.08.2017 and grand permission to conduct Vinayagar Chathurthi Festival on 25.08.2017 to 27.08.2017 at Jaikaliyamman Temple, T.N.Pudukudi, Pulinkudi Town, Kadayanallur Taluk, Tirunelveli District.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 11.08.2017 and grand permission to conduct Vinayagar Chathurthi Festival on 25.08.2017 to 27.08.2017 at Jaikaliyamman Temple, T.N.Pudukudi, Pulinkudi Town, Kadayanallur Taluk, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner and the learned Special 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 on 25.08.2017 to 27.08.2017 at Jaikaliyamman Temple, T.N.Pudukudi, Pulinkudi Town, Kadayanallur Taluk, Tirunelveli District. He submitted that in this connection, a representation was also given to the respondent on 11.08.2017, with a request to



grant permission and protection to conduct the programmes on the above said dates.

4. Though the representation was given on 11.08.2017, the learned Special Government Pleader, produced a copy of the letter of the Inspector of Police, Puliankudi Police Station, Tirunelveli District, rejecting 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, hospital and bus stand and there is likely to cause inconvenience to the public.

(b) It is revealed that the petitioner is insisted 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 through the objection raised by the Inspector of Police concerned, has submitted that the petitioner is prepared to give 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 in 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 police.

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

The second respondent is directed to consider the petitioner's request and to permit the petitioner to conduct the Vinayagar Chadurthi Festival and Lord Vinayagar Idol Procession on 25.08.2017 to 27.08.2017 at Jaikaliyamman Temple, T.N. Pudukudi, Pulinkudi Town, Kadayanallur Taluk, Tirunelveli District, subject to the following conditions:

(a) The programme proposal indicated in the application dated 11.08.2017, 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 procession 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;

(k) if any untoward incident takes place, the organizers of the programme be made responsible for the same; and

(l) 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.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

<https://hccservice.gov.in/>
The Deputy Superintendent of Police,
Pulinkudi Range,
Tirunelveli District.



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

+1cc to M/S.M.Karthikeyavenkitachalapathy, Sr.No. 74376
+1cc to Special Government Pleader, Sr.No. 74652

W.P.(MD) No. 15825 of 2017
23.08.2017

MKV-CM-MSA-SAR 1/24.8.2017/4P-5C