



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15858 of 2017

Santhosh Kumar

... Petitioner

-Vs-

1.The Deputy Superintendant of Police,
Usilampatti,
Madurai District.

2.The Inspector of Police,
Usilampatti Police Station,
Madurai District.

3.The Sub Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give permission to conduct Vinayagar Sadhurthi Festival scheduled at Vinayagar Temple situated at Kalluthu Village, Usilampatti Taluk, Madurai District as stated in the representation of the petitioner, dated 19.08.2017 and 21.08.2017 given to the respondents.

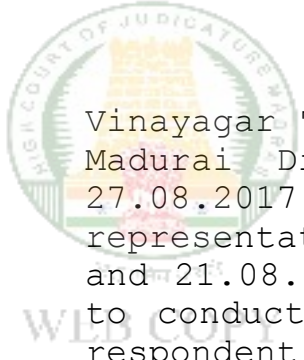
For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.A.K.Baskara Pandian
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 give permission to conduct Vinayagar Sadhurthi Festival scheduled at Vinayagar Temple situated at Kalluthu Village, Usilampatti Taluk, Madurai District as stated in the representation of the petitioner, dated 19.08.2017 and 21.08.2017 given to the respondents.

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

<https://hcservices.courts.gov.in/hcservices/> Learned counsel for the petitioner submitted that the villagers have jointly conducted Vinayagar Chadurthi Festival in



Vinayagar Temple, situated at Kalluthu Village, Usilampatti Taluk, Madurai District, scheduled to be held from 25.08.2017 to 27.08.2017. He further submitted that in this connection, two representations were also given to the respondents on 19.08.2017 and 21.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates. However, the respondent police has not yet considered the said representations and hence, the petitioner is before this Court with this Writ Petition.

4. Though the representation was not turned out, the grievance of the writ petitioner is that orally the second respondent has informed the petitioner, denying the permission on the ground that the petitioner has not obtained any permission during the last year, hence he is not entitled to. The petitioner even in the representation dated 21.08.2017, has specifically pointed out that the Festival is being conducted / celebrated several years in the village. It is further stated that the village, in which the petitioner seeks permission, is a remote village and therefore, there is no public inconvenience. Further it is also stated that in the whole village, no person belonging any other religion are living.

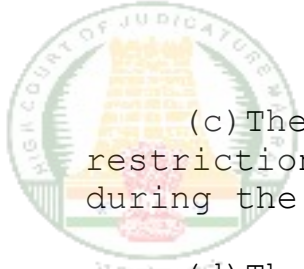
5. In these circumstances, the learned counsel for the petitioner would submit that the reason that was orally stated by the second respondent may not hold good, to prevent the petitioner for celebrating the above said Festival.

6. Considering the grievance of the petitioner and the facts and circumstances of the case, this Court is inclined pass the following directions:

The second 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 Vinayagar Temple situated at Kalluthu Village, Usilampatti Taluk, Madurai District, subject to the following conditions:

(a) The programme proposal indicated in the applications dated 19.08.2017 and 21.08.2017, should be strictly adhered to. If, the respondents have 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 or 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. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

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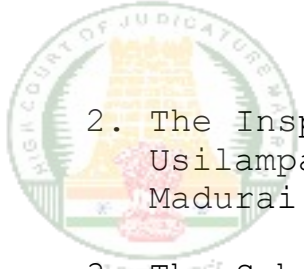
Sub Assistant Registrar

To

1. The Deputy Superintendant of Police,

<https://hcservices.sscourtsonline.in/>

Madurai District.



2. The Inspector of Police,
Usilampatti Police Station,
Madurai District.

3. The Sub Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.

+1cc to M/s.R.J.Karthick, Advocate, in SR No.74109
+1cc to Special Government Pleader in SR.No.74657

W.P. (MD) No.15858 of 2017
23.08.2017

mm/ls
KK/SV/MMS/SAR 1:24.08.2017:4P-6C