



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.15873 of 2017

Rajagopal

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Pudukkottai.

2. The Inspector of Police,
Gandarvakottai Police Station,
Gandarvakottai,
Pudukkottai 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 2nd respondent to grant permission and protection to perform the "Vinayakar Chathurthi" function from 25.08.2017 to 28.08.2017 connection with statue of lord vijayaga will be established and taken to the procession and thereafter reaching the destination point, the statue of Vinayaga will be sub merged in the sivan kovil tank held at Kudiyana street, Akachipatti Village and Post, Gandarvakottai Taluk, Pudukkottai District.

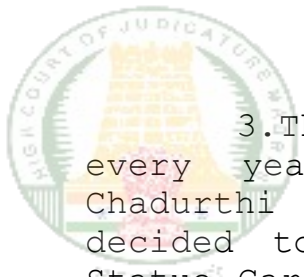
For Petitioner : Ms.A.Banumathy

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 2nd respondent to grant permission and protection to perform the "Vinayakar Chathurthi" function from 25.08.2017 to 28.08.2017 connection with statue of lord vijayaga will be established and taken to the procession and thereafter reaching the destination point, the statue of Vinayaga will be sub merged in the sivan kovil tank held at Kudiyana street, Akachipatti Village and Post, Gandarvakottai Taluk, Pudukkottai 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 Chadurthi Festival and this year also the villagers jointly decided to conduct Vinayagar Chadurthi Festival and Vinayagar Statue Carinval from 25.08.2017 to 28.08.2017 at sivan kovil tank held at Kudiyana street, Akachipatti Village and Post, Gandarvakottai Taluk, Pudukkottai District.. He further submitted that in this connection, a representation was also given to the respondents on 18.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates.

4.Though the representation was given on 18.08.2017, the learned Special Government Pleader, on instructions submitted that 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 directions:

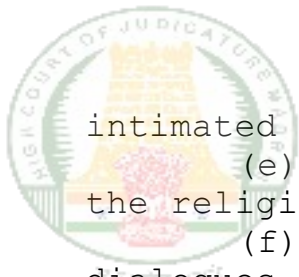
The second respondent is directed to consider the petitioner's request to conduct the Vinayagar Chadurthi Festival and Lord Vinayagar Idol Procession from 25.08.2017 to 28.08.2017 at Sivan Kovil Tank held at Kudiyana street, Akachipatti Village and Post, Gandarvakottai Taluk, Pudukkottai District and permit the petitioner with 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 <https://hccs.mca.gov.in/openidcs> in 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.

(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.

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

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Police Office, Pudukkottai.

2. The Inspector of Police,
Gandarvakottai Police Station, Gandarvakottai,
Pudukkottai District.

+1cc to M/s.A.Banumathy, Advocate, in SR No.74332

+1cc to Special Government Pleader in SR.No.74681

W.P. (MD) No.15873 of 2017
23.08.2017

ls/mm

JM-SV-MMS-SAR 1/24.8.2017/3P-5C