



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15910 of 2017

C.Sankar

... 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 grand permission to conduct Vinayagar Chathurthi festival on 25.08.2017 to 27.08.2017 at Kaladi South Street, Puliankudi Town, Kadayanallur Taluk, Tirunelveli District.

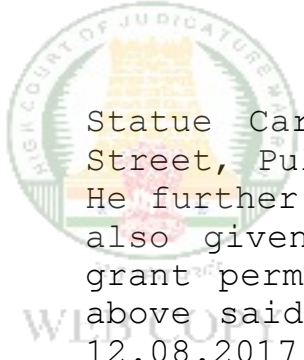
For Petitioner : Mr.M.Karthikeya Venkatachalapathy
For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 12.08.2017 and grand permission to conduct Vinayagar Chathurthi festival on 25.08.2017 to 27.08.2017 at Kaladi South Street, Puliankudi Town, Kadayanallur Taluk, 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 <https://www.mca21courts.gov.in/mcservices> 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 27.08.2017 at Kaladi South Street, Puliankudi Town, Kadayanallur Taluk, 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. In the representation of the petitioner, dated 12.08.2017, the petitioner has stated the particulars of the place, in which the Vinayagar Idol is kept and the route, in which the procession will take place, from 25.08.2017 to 27.08.2017. It is also stated the manner, in which the Pooja and other things should be performed, as decided by the public as well as the members of the committee, who have undertaken to organize the Vinayagar Chadurthi Festival. In such circumstances, the petitioner states that they are entitled to get permission and also police protection for three days, namely from 25.08.2017 to 27.08.2017.

4.The learned Additional Government Pleader, on instructions, submitted that the respondent has serious objection. But he fairly conceded that permission may be granted, if the petitioner and other organizers, strictly adhere to the route, in case of any deviation, that may be suggested by the authorities concerned, having regard to the public convenience or any antecedent to maintain public order. In the said circumstances, this Court is inclined to dispose of the Writ Petition and 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 Kaladi South Street, Puliankudi Town, Kadayanallur Taluk, Tirunelveli District, subject to the following conditions:

(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 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;



(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.

5. 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(CS-II)

/True Copy/

Sub Assistant Registrar.

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 Venkitachalapathy, Advocate, SR.No.74375
+1CC to the Special Government Pleader SR.No. 74662.

W.P. (MD) No.15910 of 2017
23.08.2017

Is/mm

SDS/SV MMS/SAR 1/24.08.2017/3P/5C