



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.15929 of 2017

V.Dhanapaul

... Petitioner

-Vs-

The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission and protection for taking procession carrying Vinayagar Idol on 25.08.2017 at Night hours in the eve of Vinayagar Chathurthy at Paampattipatti Village, Manapparai Taluk, Trichy District in the light of the petitioner's representation dated 21.08.2017.

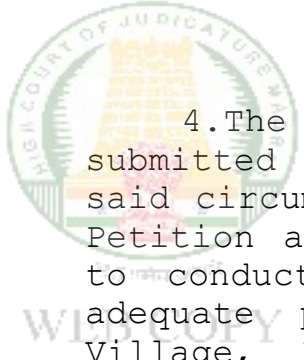
For Petitioner : Mr.R.Ponmkarhtikeyan
For Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondent to grant permission and protection for taking procession carrying Vinayagar Idol on 25.08.2017 at Night hours in the eve of Vinayagar Chathurthy at Paampattipatti Village, Manapparai Taluk, Trichy District in the light of the petitioner's representation dated 21.08.2017.

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 procession carrying Vinayagar Idol on 25.08.2017, at Paampattipatti Village, Manapparai Taluk, Trichy District. He further submitted that in this connection, a representation was also given to the respondent on 21.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates.



4. The learned Additional Government Pleader, on instructions, submitted that the respondent has no serious objection. In the said circumstances, this Court is inclined to dispose of the Writ Petition and the respondent is directed to permit the petitioner to conduct procession carrying Vinayagar Idol and to provide adequate police protection on 25.08.2017 at Paampattipatti Village, Manapparai Taluk, Trichy District, subject to the following conditions:

(a) The programme proposal indicated in the application dated 21.08.2017, 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.

6. 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. This Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

+1cc to M/s.R.Ponmkarhtikeyan, Advocate, in SR No.74355
+1cc to Special Government Pleader in SR.No.74671

W.P. (MD) No. 15929 of 2017
23.08.2017

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