



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15963 of 2017 and
W.MP(MD).No.12616 of 2017

K.Nallamayan

... Petitioner

-Vs-

1.The Superintendant of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.

3. The Sub Inspector of Police,
Uthappanayakkanoor G2 Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certioraified Mandamus, call for the records pertaining to impugned order of rejection dated 21.08.2017 passed by the third respondent and further direct the 2nd and 3rd respondents to grant permission and adequate protection for conducting Vinayagar Chathurthi Programme including installation of Vinayagar Idol, Pooja and procession from 25.08.2017 to 27.08.2017 before the Vinayagar deity at Sri Bagavathyamman Temple, Sadachi Patty Village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.M. Chandrasekaran
For Respondent : Mr.S.Sadhishkumar
Additional Government Pleader.

O R D E R

This Writ petition has been filed to call for the records pertaining to impugned order of rejection dated 21.08.2017 passed by the third respondent and further direct the 2nd and 3rd respondents to grant permission and adequate protection for conducting Vinayagar Chathurthi Programme including installation of Vinayagar Idol, Pooja and procession from 25.08.2017 to 27.08.2017 before the Vinayagar deity at Sri Bagavathyamman Temple, Sadachi Patty Village, Usilampatti Taluk, Madurai District.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3. The learned counsel for the petitioner would submit that the villagers jointly decided to perform Vinayagar Chathurthi Programme including installation of Vinayagar Idol, Pooja and procession from 25.08.2017 to 27.08.2017 before the Vinayagar deity at Sri Bagavathyamman Temple, Sadachi Patty Village, Usilampatti Taluk, Madurai District. He would further submit that in this connection, a representation was given to the respondent on 21.08.2017, with a request to grant permission and protection to conduct the programme on the above said date and the respondent Police has denied permission stating that there are likelihood of law and order problem and hence, the petitioner is before this Court with this Writ Petition.

4. 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 27.08.2017, at at Sri Bagavathyamman Temple, Sadachi Patty Village, Usilampatti Taluk, Madurai 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. In the representation of the petitioner, dated 21.08.2017, 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, on 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.

5. 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.

6. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting programme in this particular village will amount to discrimination. Hence, the impugned order dated 21.08.2017 passed by the second respondent is quashed.



7. This Court is inclined to allow the Writ Petition and the 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 Sri Bagavathyamman Temple, Sadachi Patty Village, Usilampatti Taluk, Madurai 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 intoxicants or liquor during the procession; and



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

8. 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.

9. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

10. The petitioner shall pay a cost of Rs.1,000/- (Rupees One Thousand only) to the credit of the Hon'ble Chief Justice Relief Fund, Madras High Court within today, failing which, the order copy shall not be furnished today.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police,
Madurai District.

2. The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.

3. The Sub Inspector of Police,
Uthappanayakkanoor G2 Police Station,
Madurai District.

Copy to:

The Section Officer
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.M.Chandrasekaran, Advocate, SR.No. 74493

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