



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.16029 of 2017

WEB COPY

M.Singam

... Petitioner

-Vs-

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.
- 3.The Sub-Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to grant permission to the petitioner to celebrate the Vinayagar Sathurthi Festival to be held on 25.08.2017 to 27.08.2017 by installing the Vinayagar Idol in the open auditorium of Thottapanayakanoor Village, Usilampatti Taluk, Madurai District and further provide adequate police protection to the festival.

For Petitioner :Mr.D.Sadiq Raja

For Respondent : Mr.S.Sadhishkumar
Additional Government Pleader.**O R D E R**

This Writ petition has been filed for issuance of a writ of mandamus, directing the respondents to grant permission to the petitioner to celebrate the Vinayagar Sathurthi Festival to be held on 25.08.2017 to 27.08.2017 by installing the Vinayagar Idol in the open auditorium of Thottapanayakanoor Village, Usilampatti Taluk, Madurai District and further provide adequate police protection to the festival.

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



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 writ of Mandamus directing the Respondents to consider the petitioner's representation dated 21.08.2017 and grant permission to conduct Vinayagar Chathurthi festival on 25.08.2017 to 27.08.2017 the open auditorium of Thottapanayakanoor Village, Usilampatti Taluk, Madurai District. He further submitted that in this connection, a representation was also given to the respondents dated 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 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 on 25.08.2017 to 27.08.2017

4. The learned Additional Government Pleader appearing for the respondents submitted that the case has been registered in FIR in Crime No.226 of 2017 for the offences under section 110 of criminal Procedure Code. It is further stated that the individual has organised the celebration of Vinayagar Sathurthi Festival without permission from the police Department and against the wishes of the villagers. Hence, there is a likelihood of law and order problem. It is the contention of the learned Additional Government Pleader is nothing but the facts stated in the criminal case registered against the petitioner. The respondents have not understood the scope of section 110 of criminal Procedure Code. Hence on the basis of registration of FIR under section 110 Cr.P.C, this court is not able to appreciate the contention of the learned Additional Government Pleader.

5. The learned counsel appearing for the petitioner states that the temple festival is organised in a peaceful manner and that the muslim community in village have given their no objection for celebration of festival in the North Street of Thottapanayakanoor Village, where the petitioner has proposed to conduct the festival.

6. Having regard to the fact that the power of police personnel under the provision of Police Protection Act is only to regulate and not to prohibit.

7. The learned counsel appearing for the petitioner states that the petitioner has not planned to take idol for procession and that the place of immersion of idol is only near the place of



installation. He further submitted that the tank which is chosen for immersion of the idol is 100 meters away from the place of installation. Hence this court is not able to see any substances in the objections by the respondent. .

8. In the said circumstances, 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 Thottapanayakanoor 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.

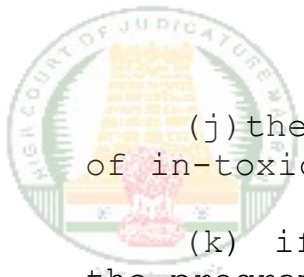
(e) There will not be any song or slogan or dance affecting the religious sentiments of any other religion;

(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 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.

9. It is open to the respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District,
Madurai.

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

3. The Sub-Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.

+1CC TO M/S.D.Sadiq Raja, Advocate, Sr No.74527

W.P. (MD) No.16029 of 2017
24.08.2017

MS/CM-MSA/SAR.1/24.08.2017/4P.5C