

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Writ Petition No.21784 of 2018

J.Vijayakumar

... Petitioner

Vs

The Inspector of Police (L&O)
M-6, Manali Police Station
Manali, Chennai - 600 068.

... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to the respondent to call for the records relating to the impugned order passed by the respondent dated 10/08/2018 from his file and quash the same as illegal and unconstitutional arbitrary and discriminative and direct the respondent to give the permission to conduct Aadal Paadal programme on some other dates, a part of Sri Vel Muthumariamman Koil Festival, Manali, Chennai.

For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.C.Raghavan
Government Advocate

O R D E R

The petitioner gave an application dated 26.07.2018 seeking permission to conduct the temple festival of Sri Vel Muthumariamman Temple situated in Manali. For which application has been rejected by the respondent on 10.08.2018. Aggrieved by the impugned order, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, who submitted that the respondent police have no authority to reject the application and it is their duty to give permission and protection to the petitioner as sought for. He further contended that when such applications are sought by the members of the chritian and muslim, the police do not reject them.

3. Per contra, the learned Government Advocate appearing for the respondent refuted the above contention.

4. This Court gave its anxious consideration to the rival submissions. At the outset it may be relevant to state here that right to profess a religion is not an unqualified fundamental right guaranteed under the Constitution of India. Article 25 of the Constitution of India is subject to public order, morality and health. In this case, the temple is not one, governed by the HR &CE Department. The impugned order shows that there are two rival groups who are wanting to conduct celebrations and on an earlier occasion there was scuffle between the two groups which led to law and order problem. Under 149 of the Cr.P.C, the police have got right and duty to interpose for the prevention of a cognizable offence. In matters relating to law and order issues, this Court cannot step into the issues of the Station House Officer and issue directions contrary to the apprehensions of the police.

5. In such view of the matter, this Court does not find any infirmity in the order passed by the respondent warranting interference. Hence petition is dismissed. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

The Inspector of Police (L&O)
M-6, Manali Police Station
Manali, Chennai - 600 068.

+1cc to Mr.R.Krishnamurthy, Advocate, S.R.No.58255

W.P.No.21784 of 2018 &
WMP.No.25555 of 2018

GN(04/09/2018)