

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30162 of 2018
and W.MP.Nos.35212, 35213 and 35214 of 2018

Sembuthukula Arakattalai,
Represented by its Trustee and President
K.P.Natarajan, S/o.Ponmalai Gounder,
No.23-B, Rajaji Street,
Swarnapuri, Salem-636 004.
.. Petitioner

Vs.

The Tahsildar,
Rasipuram Taluk,
Tahsildar's Office,
Athur Main Road,
Rasipuram Town,
Namakkal District.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Respondent passed on 13.11.2018 in Na.Ka. No.10/2018/A2 and to quash the Para No.5 of Impugned Order dated 13.11.2018, passed by the Respondent in Na.Ka.No.10/2018/A2 and consequentially direct the Respondent herein to permit the petitioner Trust to conduct the devotional light music Program without any hindrance as scheduled by the Trust on 15.11.2018 at about 7 p.m.

For Petitioner : Mr.B.Kumar, Senior Counsel
for Mr.S.Senthil

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in Na.Ka.No.10/2018/A2 dated 13.11.2018 and to quash the Para No.5 of the said Order and consequentially direct the respondent herein to permit the

petitioner - Trust to conduct the devotional light music Program without any hindrance as scheduled by the Trust on 15.11.2018 at about 7 p.m.

2. It is stated that there is a festival to be conducted in the Arulmighu Azhiya Ilangai Amman Temple, Koonavelampatti Pudur, Rasipuram Taluk, Namakkal District, between 12.11.2018 and 16.11.2018. With respect to the dispute of receiving the first "Vipoothi", there was a peace committee meeting conducted by the respondent-Tashildar on 13.11.2018. "A" and "B" groups participated in the same and accepted certain conditions. One of the conditions, which is condition No.5, is that there should not be any cultural programme and bursting of crackers.

3. The contention of the learned senior counsel appearing for the petitioner is that the petitioner did not participate in the said peace committee meeting and he was also not aware of the said conditions. A perusal of the typed set of papers shows that devotional music programme by "Kalaimamani Veeramani Raju" is to be conducted on 15.11.2018 at 7 p.m. in the temple festival. Accordingly, arrangements were made. However, in view of the conditions imposed in the peace committee meeting, the petitioner is seeking an order of this Court.

4. Heard Mr.B.Kumar, learned Senior Counsel appearing for Mr.S.Senthil, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondent.

5. In this context, it is relevant to refer to a Circular Memorandum issued by the Director General of Police in Rc.No.159539/Crime.4(3)/2018 dated 30.10.2018, in which, all the Inspectors/Station House Officers should get an undertaking from the petitioners/organisers at the time of granting permission to conduct any kind of cultural programmes including videographing of the same.

6. Accordingly, the petitioner is directed to approach the local Station Inspector and give an undertaking as per the above referred Circular Memorandum dated 30.10.2018. The Inspector of Police, Puduchatram, Rasipuram Taluk, who was present in the Peace Committee, is directed to consider the request of the petitioner on such undertaking being given and permit them to conduct the programme, which is scheduled to be held on 15.11.2018 at 7.00. p.m as per the conditions set out in the Circular Memorandum. The Special Government Pleader is directed to instruct the respondent concerned about the orders of this Court.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Srn/av

To

The Tahsildar,
Rasipuram Taluk,
Tahsildar's Office, Athur Main Road,
Rasipuram Town, Namakkal District.

2.The Inspector of Police
Puduchatram, Rasipuram Taluk.

3.The Special Government Pleader
High Court, Madras

+1cc to Mr.S.Senthil Advocate SR.NO.77855
+1cc to Government Pleader SR.NO.78133

RSV(CO)
sm:15.11.2018

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