



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.11.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.23043 of 2018

Veerama Munivar Makkal Nalvazhvu Sangam,
Represented by its President
R.Arockiaraj
S/o S.Rathinam
4/298-10, K.K.Nagar,
Purathakudi,
Mannachanallur Taluk,
Trichirappalli District.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Trichirappalli District, Trichirappalli.
- 2.The Inspector of Police,
Samayapuram Police Station,
Mannachanallur Taluk,
Trichirappalli 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 Association to conduct the Car Festival as well as the cultural programme to be held on 02.12.2018 and 03.12.2018 at Purathakudi Village, Mannachanallur Taluk, Trichirappalli District and consequently to consider the representation dated 29.10.2018 and 09.11.2018 made by the petitioner Association.

For Petitioner : Mr.Lawrance
for Mr.P.Arun Jayatram
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the first respondent to grant permission to the petitioner Association to conduct the Car Festival as well as the cultural programme to be held on 02.12.2018 and 03.12.2018 at Purathakudi Village,

Mannachanallur Taluk, Trichirappalli District.

2. The learned counsel for the petitioner would submit that the petitioner's Sangam is registered under the Societies Registration Act before the District Registrar of Societies, Tiruchirappalli and the Association was formed to do the social works in and around the Purathakudi Village for Welfare of the Roman Catholic people as well as other religious community. He would further submit that the petitioner Association had decided to conduct the Car Festival and cultural programme on 02.12.2018 and 03.12.2018 in the Purathakudi Village, Tiruchirappalli District. Thereby, the petitioner Association has made a representation on 29.10.2018 to the second respondent seeking permission to conduct Car Festival as well as the cultural programme and he has also made a representation to the first respondent on 09.11.2018. Since the respondents herein have not chosen to grant permission to conduct Car Festival as well as the cultural programmes, the petitioner has approached this Court seeking appropriate orders.

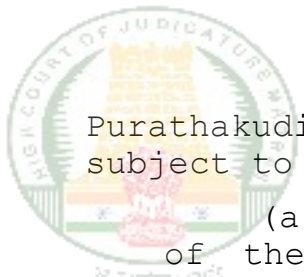
3. The learned Additional Public Prosecutor appearing for the respondents would submit that the permission sought for is to conduct the Car Festival in the Village. He would further submit that there is a dispute with regard to rival groups in conducting the Village Festival and thereby a peace committee meeting has been held between both the parties and that they have not arrived at a consensus to conduct the festival. Apprehending law and order problem, the respondents are unable to grant permission.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner has not intended to conduct the programme in the common area in the village and they wanted to conduct the programme in their own street, for which, they have sought for permission. In order to avoid any dispute or other disturbances, the learned counsel for the petitioner would further submit the petitioner is prepared to prepone the function to 30.11.2018 and 01.12.2018 and that they would also undertake to abide any stringent conditions that may be imposed by the respondent police, in conducting the programme without affecting law and order or causing disturbance to anybody.

5. The learned Additional Public Prosecutor would also submit that if the petitioner and his men undertake to abide by the conditions imposed by the respondent police so as to conduct the function in a smooth manner without detriment to upkeep of law and order, the respondent may consider granting permission.

6. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Samayapuram Police Station, Manachanallur Taluk, Trichy District, is directed to consider the representation of the petitioner, dated 29.10.2018 and to give permission and to conduct the Car Festival as well as the cultural programme to be held on 30.11.2018 and 01.12.2018 at



Purathakudi Village, Mannachanallur Taluk, Trichirappalli District, subject to the following conditions;

(a) The Car Festival as well as the Cultural Programme of the petitioner Association scheduled to be held on 30.11.2018 and 01.12.2018 should be conducted only within the area permitted by the respondent police and should be completed within the time fixed by the respondent.

(b) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(c) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(d) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop the car festival and the cultural programme forthwith; and

(e) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

7. It is open to the second respondent police to impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility depending upon the ground reality and situation.

Sd/

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Subramaniyapuram,
Trichirappalli District, Trichirappalli.

2. The Inspector of Police,
Samayapuram Police Station,
Mannachanallur Taluk,
Trichirappalli District.

+2cc to Mr.P.ARUN JAYARAM, Advocate, SR.No.97804

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SKN

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