



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18089 of 2018

T.Senthil Kumar,

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Palani.

2.The Inspector of Police,
Palani Town Police Station.

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to permit to conduct the procession along with appropriate permission to use the sound system for Krishna Jayanthi Celebration to be held on 02.09.2018 and consequently provide police protection based on the petitioner's representation dated 20.07.2018 at Palani Town.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This writ petition has been filed for a direction to the respondent police to permit the petitioner to conduct the procession to be held on 02.09.2018, in view of the Krishna Jayanthi celebration.

2.The learned counsel for the petitioner would submit that the organization which is going to conduct this program is going to organize a procession of kids who will be dressed like lord Krishna and they will be lead in a procession from Arulmighu Adivaram Padha Vinayagar temple upto Gopala Krishna Swami Temple which is a passage running to nearly 1 ½ kilometers.

3.The learned Government Advocate appearing for the respondent brought to the notice of this Court the proceedings of the first respondent dated 18.08.2018 wherein the first respondent has

rejected the representation made by the petitioner to conduct the procession.

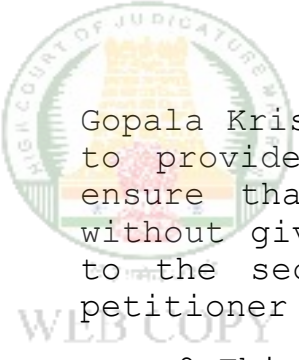
4. The learned counsel would further submit that the respondent police do not have any objection for the festival to be conducted at Arulmighu Adivaram Padha Vinayagar temple and Gopala Krishna Swami Temple and the only objection pertains to the procession. The learned counsel would further contend that since children will be involved in the procession, the police do not want to take any chance, since the area is already sensitive.

5. This Court has carefully considered the submissions made on either side. It is seen from records and also the rough sketch that has been submitted by the learned counsel for the petitioner that the procession before reaching the Gopala Krishna Swami Temple, has to necessarily cross a masjid. The respondent police are apprehensive about permitting the procession through this Masjid. The second respondent who is present in person submitted that there is no other alternative route to reach Gopala Krishna Swami Temple and if the procession is allowed, the same has to necessarily cross the Masjid and only thereafter reach Gopala Krishna Swami Temple.

6. The learned counsel for the petitioner would submit that the organization will undertake not to use any crackers or use any sound system or slogan shouting near the Masjid and therefore, the procession must be permitted by imposing conditions which will be strictly complied with by the petitioner's organization. This Court should be careful before giving any directions in this case, since children are going to be involved in the procession and it has to be doubly ensured that these children are not exposed to any untoward incidents, more particularly, since, the area is considered to be sensitive by the respondent police.

7. In order to strike a via media, this Court posed a question to the second respondent who is present in the Court, as to the extent up to which the procession can be permitted. The second respondent fairly submitted that the procession can start at Arulmighu Adivaram Padha Vinayagar Temple and should end at Palani New Municipal Bus stand and there after the organization will have to reach Gopala Krishna Swami Temple in their vehicle and no further procession can be permitted from the bus stand till the Gopala Krishna Swami Temple. The distance between Arulmighu Adivaram Padha vinayagar temple and the bus stand is nearly one kilometer.

8. Taking into consideration, the interest of the petitioner organization as well as the apprehension raised by the respondent police, this Court deems it fit to direct the second respondent to permit the procession from Arulmighu Adivaram Padha vinayagar temple till the Palani new municipal bus stand on 02.09.2018 at 4.00 pm.,. Immediately after the procession reaches the Palani new municipal bus stand, the procession shall come to an end and thereafter the organizers will have to arrange for vehicles to take the children to the Gopala Krishna Swami Temple. It is made clear that there shall not be any procession from the Palani new Municipal bus stand till



Gopala Krishna Swami Temple. The second respondent is also directed to provide sufficient protection during the entire festival and ensure that the festival is conducted in a peaceful atmosphere without giving rise to any law and order problem. It is also open to the second respondent to impose necessary conditions and the petitioner organization is bound to comply with the same.

9.This Writ Petition is disposed of with the above directions.
No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Deputy Superintendent of Police,
Palani.

2.The Inspector of Police,
Palani Town Police Station.

+1CC to Mr.RM.Arun Swaminathan Advocate in Sr.No.79555.
+1CC to Special Government Pleader in SR.No.79722.

PNN
DS SKN SAR-2 ;27.08.2018; 3P/5C

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