



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.23732 of 2018

G.Stephen Doss

.. Petitioner

-Vs-

1.The Superintendent of Police,
District Police Office, Trichy District.

2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to give police protection for "St. Saveriyar Church Festival" (Flag march and Saparam) will be held at Purathakudi, Mannachannallur Taluk, Trichy District on 01.12.2018 to 03.12.2018 as scheduled.

For Petitioner : Mr.G.Bhagavath Sing

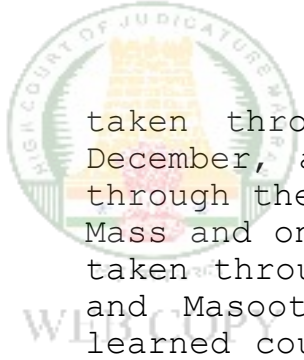
For Respondents: Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus directing the respondents to give police protection for "St. Saveriyar Church Festival" (Flag march and Saparam) will be held at Purathakudi, Mannachannallur Taluk, Trichy District on 01.12.2018 to 03.12.2018 as scheduled.

2.The learned counsel for the petitioner submits that the petitioner is a member of Purathakudi Parish Church. He would submit that the Parish has Christian population of about 3000. Out of which, 2000 belong to Vellalar and Muthuraja communities and above 1000, belong to Dalith community. They have two festivals, one is the feast of St. Saveriyar, which begins on the 24th November with flag hoisting and procession which goes through the Pascha Medai Veethi and other streets and such procession would not be



taken through the Dalith street. He would submit that on 2nd December, a small car procession (sapparam) is conducted, but only through the streets of Vallalar and Muthuraja Christians by the Holy Mass and on the same day, the big car procession (sapparam) would be taken through Pasca Medai Veethi, Madathu Theru, Post Office Street and Masoothi Theru of the Vallalar and Muthuraja Castes. The learned counsel would submit that earlier the Church Administration did not collect festival contribution from the petitioner's community, but later they have been included to conduct the festival and that the church has collected contribution from them and that they are conducting the festival this year under the guidance of the Parish Priest. He would submit that since there is a dispute between the rival communities within the same Parish, peace committee meetings are being conducted.

3. Further, the learned counsel would submit that earlier, the petitioner had filed a writ petition in W.P.(MD).No.18517 of 2014 before this Court praying for a direction to the respondents to ensure the admission of the representatives of Dalith Christians in the Parish Council and for collection of contribution from the Dalith Christians for all the festivals including St.Saveriyar flag on 24th November and the Sapparam on 2nd December through the streets belonging to the petitioner such as North Sebastiyar street and this Court by order dated 20.11.2015 allowed the writ petition and directed the officials namely, the Revenue and the Police to ensure that the flag as well as Car procession are also taken through the streets of the petitioner's community and they shall also be permitted to take part in the cultural event in the auditorium located near the Church. He would further submit that thereafter, due to some misunderstanding, the other group is not participating in conducting the festival and that they are separately conducting the festival. He would submit that this year the petitioner and people belonging to his group are conducting the festival under the guidance of the Parish Priest and thereby the petitioner had made a representation to the respondents and sought for police protection for conducting the St. Saveriyar church's festival (flag march and sapparam) on 01.12.2018 to 03.12.2018 as scheduled. Since the said representation has not been considered so far, the present writ petition has been filed.

4. When the matter is taken up today, the learned Additional Public Prosecutor would submit that there is a dispute between two rival groups in conducting the church festival and that apprehending law and order problem, the respondents are unable to pass any orders on the request of the petitioner. He would submit that in order to maintain law and order, the respondent feel that some conditions may be imposed by this Court for the peaceful conduct of the festival.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioners and the members belonging to his group are prepared to abide by any condition that may be imposed by



the respondent police to conduct the festival in a peaceful manner and to avoid any law and order problem. The learned counsel for the petitioner would also submit that in order to avoid any problem, the petitioner and the people belonging to his group are also prepared to give an undertaking to abide by the conditions and restrictions imposed by the respondent police. Further, he would submit that the other group had sought for permission to conduct cultural programme in their area and car procession in their street and the petitioner understand that the respondent police have granted permission for them to conduct festival on 30.11.2018 and 01.12.2018.

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 07.11.2018 and to give protection to conduct the "St. Saveriyar Church Festival" (Flag march and Saparam) which is to be held at Purathakudi, Mannachannallur Taluk, Trichy District on 01.12.2018 to 03.12.2018 as scheduled, subject to the following conditions;

(a) The Festival of the petitioner Association scheduled to be held on 01.12.2018 to 03.12.2018 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 festival and car festival forthwith; and

(e) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the conditions or restrictions imposed by the respondent.

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 (AS)

/True Copy/



To

1.The Superintendent of Police,
District Police Office, Trichy District.

2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC MR.G.BHAGAVATH SINGH, ADVOCATE IN SR.NO.97969.

TM

DS SV SAR4 30 11 2018 4P 5C

W.P.(MD)No.23732 of 2018
30.11.2018