



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18934 of 2018

S.Narayanan

:Petitioner

Vs.

The Inspector of Police,
Tenkasi Police Station,
Tenkasi.

:Respondent

Prayer:This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent permit the petitioner to install the temporary Vinayakar Idol on 12.09.2018 and conduct the Procession of Vinayakar Chadurathi Celebration to be held on 14.09.2018 and consequently provide police protection based on petitioner representation dated 18.08.2018 at Isakki Amman Temple Muppudathi Amman Kovil Street Tenkasi Tirunelveli District.

For Petitioner : Mr.RM.Arun Swaminathan
For Respondent : Mr.B.Bagawathi
Government Advocate

ORDER

This writ petition has been filed for a direction to the respondent police to permit the petitioner to install the Vinayakar Idol and to immerse the Idol on 14.09.2018 in the river.

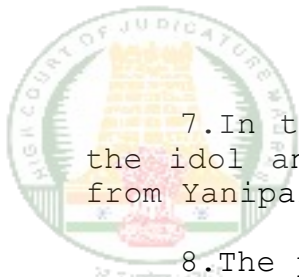
2.The case of the petitioner is that during the Vinayagar Chadurthi festival, arrangement has been made by the petitioner to install Idol on 12.09.2018 and to immerse the Idol in the river on 14.09.2018. Therefore, a representation was sent to the respondent police to grant permission and police protection.

3.The learned Government Advocate on instructions would submit that Tenkasi has become a very volatile place and there was a big violence that happened in the year 2006, in which six persons' were murdered. It has resulted in registration of eight cases and all those cases are pending trial before the Special Court for communal clash, Madurai. Therefore, the respondent police have not given any permission for any procession right from the year 2007 onwards.

4.When the matter came up for hearing during the last occasion, the Inspector of Police, Tenkasi Police Station was present and he was asked to assist this Court in order to see if the immersion can take place this year with sufficient safe guards.

5.On instructions, the learned Government Advocate would submit that only two organizations have been given permission to install Vinayagar Idol and immerse the Idol at Yanaipalam river.

6.The learned counsel would submit that in both the cases Vinayakar Idol is kept inside the temple and from there directly the idol shall be taken to the above said river.



7. In this case, the place, in which the petitioner wants to install the idol and take the idol for immersion thereafter, are situated far from Yanipalam river.

8. The petitioner in this case wants to install the Vinayagar idol at Isakki Amman Temple. In order to strike a balance and in order to ensure that no law and order is created, the petitioner can be permitted to install the Vinayagar Idol in the temple and directly take the idol in a vehicle to the Yanaipalam without going on a procession.

9. The learned Government Advocate on instructions would submit that for this year the best that can be done by the respondent police is to permit the petitioner to bring the Idol in a Vehicle directly to Yanaipalam. The petitioner will immerse the Idol only during the time allotted by the respondent police.

10. Ultimately, it is important that the atmosphere in the place does not unnecessarily get tensed leading to law and order problem. Therefore, the petitioner shall ensure that the condition imposed by the police is strictly complied with. It is made clear that the petitioner will not take any procession and the Vinayagar Idol installed in the temple shall be directly taken in the vehicle to Yanaipalam for immersion on 14.09.2018, at the time fixed by the respondent police. If the entire festival goes on in a peaceful manner, the respondent police can consider in the coming years to permit the procession after ensuring that there will be no law and order problem and there will also be co-operation from the other community people.

11. The respondent police are very apprehensive only due to the fact that there was a large scale violence in the past and the cases are pending before the Court. Therefore, the respondent police does not want this function to trigger one more violence between the communities.

12. The Writ Petition is disposed of with the above directions and the petitioner shall ensure that they shall strictly comply with the conditions imposed by the respondent police. The respondent police shall be at liberty to take appropriate action as and when they find that any conditions are violated by the petitioner. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS3)

To :

The Inspector of Police,
Tenkasi Police Station,
Tenkasi

+1cc to Mr.R.M.Arun Swaminathan. Advocate. SR.No.83298.

DS/RP/SAR 3/ 10.9.18 / 2P/3C.