



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P(MD)No.19830 of 2018

and

W.M.P. (MD) .No.17614 of 2018

T.Gnanaraj

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

3.The Sub-Inspector of Police,
Pazhavur Police Station,
Tirunelveli District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 07.09.2018 passed by the third respondent and quash the same insofar as rejecting for Chendamalam alone and consequently to direct the respondents to grant permission for Chendamalam with the Car Procession scheduled to be held on 22.09.2018 in connection with Sri Vinai Theerkum Vinayagar Temple situated at Chidhambarapuram, Tirunelveli District.

For Petitioner

: Mr.S.Vinayak

For Respondents

: Mr.B.Bhagawathi,
Government Advocate

ORDER

This petition has been filed challenging the impugned order dated 07.09.2018 passed by the third respondent and quash the same insofar as rejecting for Chendamalam alone and for a direction to the respondents to grant permission for Chendamalam with the Car Procession scheduled to be held on 22.09.2018 in connection with Sri Vinai Theerkum Vinayagar Temple situated at Chidhambarapuram, Tirunelveli District.

2. The learned counsel appearing for the petitioner would submit that the festival is being conducted during the month of Aavani every year and this year, it has been decided to conduct the said festival from 13.09.2018 to 22.09.2018. The learned counsel appearing for the petitioner would further submit that on 22.09.2018 at about 05.00 p.m. to 10.00 p.m. the Festival Committee has fixed Car Procession along with Chendamalam. In this regard, the petitioner had given a representation dated 02.08.2018 to the



respondents seeking for permission, but the respondent police denied permission and also the third respondent Police passed the impugned order on 07.09.2018. Challenging the said denial the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents would submit that there is likelihood of law and order problem. Hence, the respondent police have denied permission for Chendamalam with Car Procession.

4. This Court is of the view that the permission has been rejected on the ground that an FIR is pending in Crime No.179 of 2016 for an incident which took place in the year 2016. Taking into consideration the facts and circumstances of the case, this cannot be put against the petitioner for the purpose of rejecting the permission. The impugned order dated 07.09.2018 passed by the third respondent is hereby set aside. This Court is inclined to direct the third respondent to grant permission for Chendamalam with Car Procession scheduled to be held on 22.09.2018 in connection with Sri Vinai Theerkum Vinayagar Temple situated at Chidhambarapuram, Tirunelveli District. It is made clear that the respondent police is at liberty to impose any conditions to ensure the peaceful conduct of the festival and the petitioner is bound to comply with the same.

5. Accordingly, this writ petition stands allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
3. The Sub-Inspector of Police,
Pazhavur Police Station,
Tirunelveli District.

+1cc to Mr.S.VINAYAK, Advocate, SR.No.84604

+1cc to M/s.Special Government Pleader, SR.No.84737

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17.09.2018

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