

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.24863 of 2019

R.K.Ramalingam

.. Petitioner

.Vs.

1.The Commissioner of Police,
Vepery, Creator of Chennai,
Chennai 600 007.

2. The Inspector of Police,
R.7, K.K.Nagar Police Station,
Chennai 600 078

...Respondents

PRAYER: Writ petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to grant permission to Hold Ganesa Pooja in K.K.Nagar, P.V.Rajammanar Salai, Vanniar Street Junction, Chennai 78 for the period from 02.09.2019 to 08.09.2019.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.M.Mohammed Riyaz

Additional Public prosecutor
for Respondents

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to consider the representation made by the petitioner and permit the petitioner to put up the Vinayagar Idol and to conduct the festival from 02.09.2019 to 08.09.2019.

2. The respondent police have filed a Counter affidavit in this case. The relevant portions in the Counter Affidavit are extracted hereunder :-

" 6. I submit that as per the above, I have followed the above said rule with regard to the petitioner's representation. Regularly, for more than 10 years, the petitioner used to erect Vinayagar Idol in front of Shop at Door No.125A, East Vanniar Street, Rajamannar Salai Junction, K.K.Nagar, Chennai.

The Tenants and owners of the above said shop No.125A i.e Tr.Thameem Ansari, Mohamed

Yusuf and Tr.Ruba Ram and Tr.Manthiram filed a writ petition in WP NO.13981 of 2019 for not to permit un-authorised banners in front of his shop. On 12.06.2019, this Hon'ble High Court granted order in his favour that "not to permit the persons to erect any banners in front of their premises, otherwise, they will be taken into task by the Corporation Authorities.

Subsequently, the above said tenants and owners of the shop erected Notice Board by mentioning the W.P.No.13981 of 2019, not to erect any un-authorised banners in front of his shop.

7. I submit that if I permit the petitioner in the same place, where he was erecting the Vinayagar Idol for the past 10 years, it will create clash between both side parties. It will also violate the order of this Hon'ble High Court in WP No.13981 of 2019.

8. I submit that based on the petitioner's representation, I have permitted the petitioner to erect Temporary Vinayagar Idol at the same junction i.e 25 meters away from the shop No.125A, East Vanniyar Street, Rajamannar Street - East Vanniyar Street Junction, K.K.Nagar, Chennai.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

4.Taking into consideration the specific stand taken by the respondent police at paragraph No.8 of the Counter Affidavit, the respondent police is directed to permit the petitioner to erect a temporary Vinayagar Idol at the same junction mentioned in Paragraph No.8. It is left open to the respondent police to impose reasonable conditions and the same shall be complied by the petitioner.

5. This Writ petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Vepery, Creator of Chennai,
Chennai 600 007.

2. The Inspector of Police,
R.7, K.K.Nagar Police Station,
Chennai 600 078.

3. The learned Additional Public Prosecutor,
High Court of Madras

+1cc to Mr.R.Sankarasubbu , Advocate SR.No. 72957

W.P No.24863 of 2019

A.SK(27/08/2019)



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