



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 10727 of 2019

WEB COPY

P. Loganathan

... Petitioner

Vs.

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

2. The Inspector of Police,
Taluk Police Station,
Thiruchendur, Tuticorin District.

3. T. Balachandar

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents Nos. 1 and 2 herein to give necessary permission and police protection to conduct Annadhanam from 17.05.2019 at 08.00 p.m., to 18.05.2019 at 12.00 Noon at Kudumban Ina Devendirakula Velalar Mutt situated at Door No. 307, Santhana Mariyamman Kovil Street, Thiruchendur, Tuticorin District vide the representation dated 24.04.2019 in the eve of Vaikasi Visakam.

For Petitioner : Mr. K. V. Malaiyendran

For R-1 and R-2 : Mrs. S. Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the respondents 1 and 2 herein to give necessary permission and police protection to conduct Annadhanam from 17.05.2019 at 08.00 p.m., to 18.05.2019 at 12.00 Noon at Kudumban Ina Devendirakula Velalar Mutt situated at Door No. 307, Santhana Mariyamman Kovil Street, Thiruchendur, Tuticorin District vide the representation dated 24.04.2019 in the eve of Vaikasi Visakam.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

3. The petitioner has made a representation dated 24.04.2019 to the respondents 1 and 2, seeking permission to conduct Annadhanam and since no order has been passed, the petitioner has filed this Writ Petition.



4. The learned Government Advocate (Crl.Side) submitted that the third respondent is the Administrator of the community hall, Thiruchendur and he concerns and permission is delayed, essentially because of want of concerns by the third respondent.

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5. Considering the facts and circumstances of the case, this Court directs the second respondent / The Inspector of Police, Taluk Police Station, Thiruchendur, Tuticorin District, to consider the representation of the petitioner, dated 24.04.2019 and to give permission and to provide police protection for conducting Annadhanam at Kudumban Ina Devendirakula Velalar Mutt situated at Door No.307, Santhana Mariyamman Kovil Street, Thiruchendur, Tuticorin District scheduled to be held from 17.05.2019 at 08.00 p.m., to 18.05.2019 at 12.00 Noon, subject to the following conditions:-

(a) Anna Thanam in 'Annadhanam at Kudumban Ina Devendirakula Velalar Mutt situated at Door No.307, Santhana Mariyamman Kovil Street, Thiruchendur, Tuticorin District' scheduled to be held from 17.05.2019 at 08.00 p.m., to 18.05.2019 at 12.00, should be completed between 17.05.2019 at 08.00 p.m., to 18.05.2019 at 12.00 p.m.

(b) No donation shall be received from any political party or in the name of any Member associated with any political party.

(c) No speeches supporting or opposing any political party shall be made. No symbol of any political party or picture of any person affiliated in the political party shall be used.

(d) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(e) No symbols of any of the political parties or any of the candidates who are contesting in the general election shall be on display.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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 such performance forthwith; and

(h) Similarly, the police is directed to stop the programme, if it is conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.



(j) The District Election Officer is directed to nominate any one of his officials between 17.05.2019 at 08.00 p.m., to 18.05.2019 at 12.00 to monitor if any of the conditions are violated.

6. It is open to the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community.

7. The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of the Anna Thanam and no law and order problem will arise.

8. In case the order copy is not received by the concerned respondents, the Government Advocate(Crl.side) is directed to communicate the operative portion of the order and conditions imposed in this order to them.

9. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

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To

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

2.The Inspector of Police,
Taluk Police Station,
Thiruchendur,
Tuticorin District.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate
(SR-63851[F] dated 29/04/2019)

W.P.(MD)No.10727 of 2019
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