



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.05.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11919 of 2019

and

W.M.P. (MD)Nos.9018 and 9019 of 2019

N.Sreekumar

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the files of the second respondent pertaining to the order bearing No.Nil dated 11.05.2019 and to quash the same with regard to the rejection of permission for 10th day celebration with Elephant procession on 18.05.2019 and consequently direct the respondents to grant permission and police protection to conduct the Vaikasi Visaka festival programme along with Elephant procession on 18.05.2019 as per the programme schedule at Arasakulam Sri Bala Murugan temple situated in Arasakulam, Thengapattinam post, Kanyakumari District.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed seeking permission for conducting 10th day celebration of Vaikasi Visaka festival in Arasakulam Sri Bala Murugan temple situated at Arasakulam, Thengapattinam post, Kanyakumari District on 18.05.2019 with Elephant procession with the deity.

<https://hcservices.courts.gov.in/hcservices2> 2. Heard the Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, for the respondents.



3. When the matter was taken up for hearing, the learned Additional Public Prosecutor on instruction from the police would submit that the petitioner is intending to take the procession through the Muslim dominated area and therefore they apprehends law and order problem during the procession.

4. The learned counsel for the petitioner submitted that if that is the reason for rejection of their request by the respondent police in granting permission, they are ready to take the procession in some other route as suggested by the respondent police.

5. Recording the undertaking made by the learned counsel for the petitioner, this writ petition is allowed. The respondent police shall suggest a route for procession and shall also provide adequate for the peaceful conduct of the procession. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-II)

pnn / cp
To

1. The Superintendent of Police,
Kanyakumari District, at Nagercoil.

2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

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

+1 CC to M/s. S.C. HEROLD SINGH, Advocate (SR-66126[F] dated 17/05/2019)

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ES/17.05.2019/2P/5C