



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.7327 of 2019

and

W.M.P.(MD).No.5855 of 2019

Paramaguru

... Petitioner

Vs.

1.The Assistant Returning Officer,
Thirupparankundram Legislation Constituency,
Madurai.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No. 10272/2019/Ku.Po.7-29 dated 18.03.2019 and quash the same and consequently to direct the respondents to grant permission and police protection to conduct the Annadhanam festival to be held on 28.03.2019 in Arulmighu Pathrakaliyamman Temple, situated at Kathiyananur Viraganur Post, Madurai District

For Petitioner : Mr.M.Jagadeesh Pandian

For Respondents : Mrs.S.Bharathi

Government Advocate

O R D E R

This Writ Petition has been filed to call for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No. 10272/2019/Ku.Po.7-29 dated 18.03.2019 and quash the same and consequently to direct the respondents to grant permission and police protection to conduct the Annadhanam festival to be held on 28.03.2019 in Arulmighu Pathrakaliyamman Temple, situated at Kathiyananur, Viraganur Post, Madurai District.

2. The petitioner herein wants to distribute Annathanam to be held on 28.03.2019 in Arulmighu Pathrakaliyamman Temple, situated at Kathiyananur, Viraganur Post, Madurai District. In this regard, the petitioner gave a representation to the respondents on 16.03.2019. Since the respondent police rejected the permission sought for by the petitioner, the present writ petition has been filed challenging the said order of rejection. So far as the distributing Annathanam is concerned, that is part of public charity and therefore, the petitioner has the right to distribute Annathanam.



3. Considering the facts and circumstances of the case, this Court quashes the order passed by the respondent police and directs the second respondent / The Inspector of Police, Theppakulam Police Station, Madurai District, to consider the representation of the petitioner, dated 16.03.2019 and to give permission and to provide police protection for conducting 'Anna Thanam' in Arulmighu Pathrakaliyamman Temple, situated at Kathiyananur, Viraganur Post, Madurai District, scheduled to be held on 28.03.2019, subject to the following conditions:-

(a) Anna Thanam in 'Arulmighu Pathrakaliyamman Temple, situated at Kathiyananur, Viraganur Post, Madurai District' scheduled to be held on 28.03.2019, should be completed between 11.00 a.m. and 03.00 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) The function will be conducted in the spirit of function and there will not be a bogey for political parties for the general election, 2019.

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

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

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

(h) 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

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

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

(k) The District Election Officer is directed to nominate any one of his officials between 11.00 a.m and 03.00 p.m to monitor if any of the conditions are violated.



4. 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.

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5. 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.

6. 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.

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

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Assistant Returning Officer,
Thirupparankundram Legislation Constituency,
Madurai.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

+1cc to Mr.M.JEGADEESH PANDIAN, Advocate, SR.No.57135

W.P.(MD)No.7327 of 2019

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