



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.24534 of 2019

G.Stephen Doss

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Trichy District.

2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents not to prevent the petitioner to take flag march from St.Saveriyar Church on 24.11.2019 and not to prevent to take the Saparam on 02.12.2019 from St.Saveriyar Church and consequently direct the respondent to give adequate police protection from 24.11.2019 to 03.12.2019 as scheduled by obeying this Court order in W.P.No.18517 of 2014 dated 20.11.2015.

For Petitioner : Mr.G.Bhagavath Singh

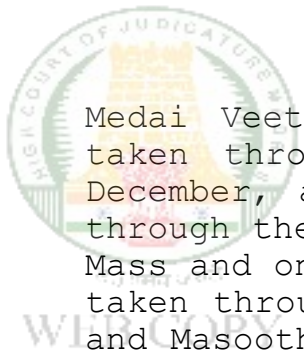
For Respondents : Mr.A.Aanandharaj

Additional Public Prosecutor

ORDER

This writ petition has been filed for issuance of a writ mandamus, directing the respondents not to prevent the petitioner to take flag march from St.Saveriyar Church on 24.11.2019 and not to prevent to take the Saparam on 02.12.2019 from St.Saveriyar Church and consequently direct the respondent to give adequate police protection from 24.11.2019 to 03.12.2019 as scheduled by obeying this Court order in W.P.No.18517 of 2014 dated 20.11.2015.

2.The learned counsel for the petitioner submits that the petitioner is a member of Purathakudi Parish Church. He would submit that the Parish has Christian population of about 3000. Out of which, 2000 belong to Vellalar and Muthuraja communities and above 1000, belong to Dalith community. They have two festivals, one is the feast of St. Saveriyar, which begins on the 24th November with flag hoisting and procession which goes through the Pascha

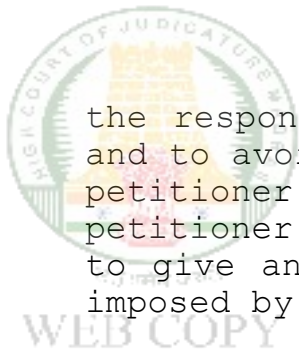


Medai Veethi and other streets and such procession would not be taken through the Dalith street. He would submit that on 2nd December, a small car procession (sapparam) is conducted, but only through the streets of Vallalar and Muthuraja Christians by the Holy Mass and on the same day, the big car procession (sapparam) would be taken through Pasca Medai Veethi, Madathu Theru, Post Office Street and Masoothi Theru of the Vallalar and Muthuraja Castes. He would submit that since there is a dispute between the rival communities within the same Parish, peace committee meetings are being conducted.

3.Further, the learned counsel would submit that earlier, the petitioner had filed a writ petition in W.P.(MD).No.18517 of 2014 before this Court praying for a direction to the respondents to ensure the admission of the representatives of Dalith Christians in the Parish Council and for collection of contribution from the Dalith Christians for all the festivals including St.Saveriyar flag on 24th November and the Sapparam on 2nd December through the streets belonging to the petitioner such as North Sebastiyar street and this Court by order dated 20.11.2015 allowed the writ petition and directed the officials namely, the Revenue and the Police to ensure that the flag as well as Car procession are also taken through the streets of the petitioner's community and and they shall also be permitted to take part in the cultural event in the auditorium located near the Church. He would further submit that thereafter, due to some misunderstanding, the other group is not participating in conducting the festival and that they are separately conducting the festival. He would submit that this year the petitioner and people belonging to his group are conducting the festival under the guidance of the Parish Priest and thereby the petitioner had made a representation to the respondents and sought for police protection for conducting the St. Saveriyar church's festival (flag march and sapparam) on 24.11.2019 to 03.12.2019 as scheduled. Since the said representation has not been considered so far, the present writ petition has been filed.

4.When the matter is taken up today, the learned Additional Public Prosecutor would submit that there is a dispute between two rival groups in conducting the church festival and that apprehending law and order problem, the respondents are unable to pass any orders on the request of the petitioner. He would submit that in order to maintain law and order, the respondent feel that some conditions may be imposed by this Court for the peaceful conduct of the festival.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioners and the members belonging to his group are prepared to abide by any condition that may be imposed by



the respondent police to conduct the festival in a peaceful manner and to avoid any law and order problem. The learned counsel for the petitioner would also submit that in order to avoid any problem, the petitioner and the people belonging to his group are also prepared to give an undertaking to abide by the conditions and restrictions imposed by the respondent police.

6. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Samayapuram Police Station, Manachanallur Taluk, Trichy District, is directed to consider the representation of the petitioner, dated 06.11.2019 and to give protection to conduct the St. Saveriyar Church Festival (Flag march and Saparam) which is to be held at Purathakudi, Mannachannallur Taluk, Trichy District on 24.11.2019 to 03.12.2019 as scheduled, subject to the following conditions;

(a) The Festival of the petitioner Association scheduled to be held on 24.11.2019 to 03.12.2019 should be conducted only within the area permitted by the respondent police and should be completed within the time fixed by the respondent.

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

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

(d) 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 the festival and car festival forthwith; and

(e) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the conditions or restrictions imposed by the respondent.

7.It is open to the second respondent police to impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility depending upon the ground reality and situation.



8. The writ petition stands disposed of with the above directions. However, there shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
District Police Office,
Trichy District.

2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

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

W.P. (MD)No.24534 of 2019

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