



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2019

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No. 26535 of 2019

and

W.M.P.(MD) No. 22913 of 2019

Shegu Naina Mohammed
Valiyullah Dharga Committee,
Rep. by its President,
Mohammed Hanifa.

... Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.

2. The Deputy Superintendent of Police,
Alangulam, Tenkasi District.

3. The Tahsildar,
Veerakeralampudur Taluk, Tenkasi District.

4. The Inspector of Police,
Surandai Police Station, Tenkasi District.

5. The Sub Inspector of Police,
Veerakeralampudur Police Station,
Tenkasi District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission to the petitioner to conduct the holy flag hosting ceremony in Veeranam Village, Veerakeralampudur Taluk, Tenkasi District on 15.12.2019 and 16.12.2019.

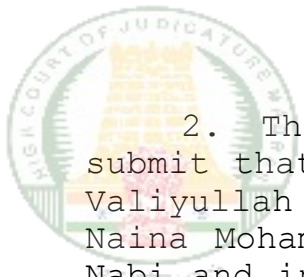
For Petitioner : Mr.R.J. Karthick

For Respondents : Mrs. S.Bharathi

Government Advocate(Crl.Side)

ORDER

This writ petition has been filed to direct the respondents to grant permission to the petitioner to conduct the holy flag hosting ceremony in Veeranam Village, Veerakeralampudur Taluk, Tenkasi District on 15.12.2019 and 16.12.2019.



2. The learned counsel appearing for the petitioner would submit that the petitioner is the President of Shegu Naina Mohammed Valiyullah Dharga Committee. He would further submit that Shegu Naina Mohammed Valiyullah is one of the junior of Prophet Mohammed Nabi and in memory of him a monument is erected in the petitioner's village. Further, every year during the islamic month of Rabyusani, a holy flag tied in a 45 feet wooden pole is carried by an Elephant around the streets of the village in a procession which starts from the Dharga and ends at the monument. People from all communities and religion in the village and from the nearby village also attend the procession as a mark of respect and also to worship the flag. Similar religious affairs are done in nearby villages and the third respondent has granted permission to nearby village, namely, Pottalpudur, Kadayanallur, Vallam, Tenkasi to perform the same flag procession. This year, the petitioner and organizers had planned to celebrate the procession by using elephant and flag hosting ceremony on 15.12.2019 from 3.00 p.m. To 9.00 p.m and to conduct Islamic Discourse and Musical programme on 16.12.2019 at 6.00 p,m as per schedule. The petitioner had given a representation to the fourth respondent to grant permission for conducting procession by using elephant and flag hosting ceremony on 15.12.2019 and Islamic Discourse and Musical programme. Some persons belonging to the very same Islamic community who do not believe in the practices of the persons belonging to the petitioner's group are opposing to conduct the procession. Hence, the fourth respondent herein issued summons to the petitioner as well as the persons belonging to the other group who opposed the flag hoisting event by relying on the letter given by the former president of Dharga committee. On account of the objection, a Peace Committee meeting was conducted on 05.12.2019 wherein objections have been made by the persons belonging to the rival group and ultimately, it has been resolved between the parties to conduct the procession after obtaining the opinion of members in the Jamath Committee and that the parties were directed to conduct the procession without creating law and order problem. However, till date, the respondents have not granted any positive order permitting the petitioner to conduct the procession and other programmes as schedueld thereby warranting the petitioner to approach this Court. He would further submit that during the year 2016, a similar situation arose and the petitioner had approached this Court by way of filing writ petition in W.P.(MD) No. 1433 of 2016, wherein the petitioners agreed to avoid certain streets where the persons belonging to other group reside. This Court has also given permission to conduct flag procession and the other programmes, namely, Islamic religious discourse. He would also submit that the petitioners as done on earlier occasion are prepared to conduct the programmes in their own Jammath and also prepared to furnish necessary undertakings to the 3rd respondent police to conduct the procession and other programmes without disturbing the other group and avoiding the streets where the other groups are residing. He would further submit that no objection has been



received from any other persons belong to other religions and in fact persons from other religious participate with cordiality and reverence and thereby would seek for a direction to the third respondent police for grant of permission.

3. The learned Government Advocate (crl. Side) appearing for the respondents would submit that there is a dispute between the persons belonging to the same community who are opposed to the religious practice of the petitioner. However, she would further submit that if the petitioner is prepared to give an undertaking as done in the year 2016 and avoid the streets where the other groups reside and undertake to conduct the procession and programmes without creating breach of peace or law and order, the respondents have no objection for granting permission. She would further submit that pursuant to the earlier order passed by this Court, the petitioner was allowed to conduct the procession and religious discourse, after agreeing to comply with the certain conditions.

4. The counsel for the petitioner would further submit that they are prepared to welcome every person from all religions and more particularly, they have no objection for the persons, who have got grievance in the procession also to participate and they are willing to welcome them with honour and it is not their intention to disrespect any person.

5. Taking into consideration of the fact that the flag hoisting ceremony and procession is fixed on 15.12.2019 and the religious discourse is fixed on 16.12.2019 and that the petitioner is willing to do it in their own Jammath and they have also identified the streets through which the flag will be carried on an elephant to the monument without affecting the other group, direction is issued to the third respondent to grant permission as sought for in the representation dated 20.11.2019. The petitioner shall comply with other conditions imposed by the third respondent and also give necessary undertakings as required by the third respondent police as done in the earlier years.

6. With the above observations, the instant writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Tenkasi District,
Tenkasi.

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2. The Deputy Superintendent of Police,
Alangulam, Tenkasi District.
3. The Tahsildar,
Veerakeralampudur Taluk,
Tenkasi District.
4. The Inspector of Police,
Surandai Police Station
Tenkasi District.
5. The Sub Inspector of Police,
Veerakeralampudur Police Station,
Tenkasi District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.J.KARTHICK, Advocate Sr. No. 104915

W.P. (MD) No. 26535 of 2019
13.12.2019.

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