



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.12.2019

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition (MD) No.26578 of 2019

Chandran

... Petitioner

Vs.

- 1.The Superintendent of Police,
Tenkasi, Tenkasi District.
- 2.The Deputy Superintendent of Police,
Puliyangudi, Tenkasi District.
- 3.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

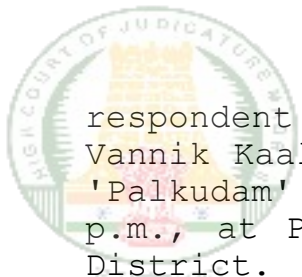
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.341/Camp/SDO-P/2019, dated 08.12.2019 and quash the same and consequently direct the second respondent to grant police permission and protection for the function of Vannik Kaaladi Anniversary and procession with his Photo and taking 'Palkudam' and 'Mulaippari' on 20.12.2019 from 07.00 a.m., to 07.00 p.m., at Patchery Village, Nelkattumseval, Sivagiri Taluk, Tenkasi District.

For Petitioner : Mr.Sathishkumar, Advocate
for Mr.R.Maheswaran ADvocate
For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by
Mrs.S.Bharathi
Government Advocate (Crl. side)

O R D E R

This petition has been filed challenging the impugned order passed by the second respondent in Na.Ka.No.341/Camp/SDO-P/2019, dated 08.12.2019 and consequently, seeking a direction to the second



respondent to grant permission and protection for the function of Vannik Kaaladi Anniversary and procession with his Photo and taking 'Palkudam' and 'Mulaippari' on 20.12.2019 from 07.00 a.m., to 07.00 p.m., at Patchery Village, Nelkattumseval, Sivagiri Taluk, Tenkasi District.

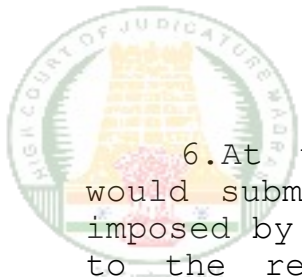
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2.The learned counsel appearing for the petitioner would submit that the petitioner is a Nattanmai of Patchery Village and he belongs to a Devendrakula Vellalar community and that 400 people belonging to his community are there in his village and that they are maintaining communal harmony with the other people. He would further submit that the members of his village have decided to celebrate the anniversary of Mr.Vennik Kaaladi, who has fought against the British Rule in India. He would further submit that the anniversary has been celebrated on the 20th of December every year and accordingly, the petitioner had sent a representation on 03.12.2019 to the respondents to give permission to conduct the function. However, the second respondent, by his communication dated 05.12.2019, asked the petitioner to appear on 07.12.2019 at 10.00 am and to submit his explanation. He would further submit that the petitioner submitted his explanation, whereas the second respondent, by proceedings dated 08.12.2019, without any valid reasons, has rejected the request of the petitioner to conduct the function.

3.The learned counsel would further submit that earlier even during the last year, the petitioner had applied for permission to conduct the function and it was rejected by the respondent police thereby the petitioner had approached this Court for filing W.P.(MD) No.24757 of 2018 and this Court, by order dated 19.12.2018, directed the respondents to grant permission to the petitioner to conduct the function and after complying with the conditions imposed by the respondent police. He would further submit that the petitioner also appeared before the respondent police and given undertaking to comply with the conditions imposed by the respondent police. Based on which, last year, the function was conducted without any law and order problem. He would further submit that since no undue incident took place, a direction may be issued to the respondent police to grant permission to conduct the programme at the same place where the function was conducted last year i.e., at S.No.743/3 Nerkattumselval village.

4.A detailed counter affidavit has been filed by the second respondent.

5.The learned Additional Advocate General appearing for the respondents vehemently opposed for grant of permission stating that the place, in which, the petitioner has decided to conduct the meeting, is communally a very sensitive area and there are lot of communal issues pending between the members belonging to various communities and that the respondents finding very difficult, have



6. At this juncture, the learned counsel for the petitioner would submit that the petitioner reports abide by any conditions imposed by the respondents and they are ready to give an undertaking to the respondents that they will conduct the program without causing any disturbance to any other persons or causing any breach of peace restricting the function to the period of two hours as the time may be fixed by the respondent police i.e., 07.00 p.m to 09.00 p.m.

7. The petitioner shall appear before the respondent on 19.12.2019 and also give the details and names of the persons attending the function and also give an undertaking that they will abide by the conditions as directed by the respondent police.

8. Considering the submission of both sides, this Court is of the opinion that permission can be granted imposing some stringent conditions. Accordingly, the respondents police are directed to grant permission for conducting the Vennik Kaaladi Anniversary at NerkattumSeval Village at the very same place where the function was conducted last year i.e, at S.No.743/3 Nerkattumseval village, by enclosing the following conditions:

i) the petitioner shall undertake and ensure that the function will be attended only by the people belonging to Patchery Village, Nerkattum Seval Sivagiri Taluk and no outsider shall participate and that the petitioner and his people will not commute to the venue of the function in any vehicle;

ii) The Vennik Kaaladi Anniversary should be completed within the time frame fixed by the respondent police i.e. 07.00 a.m to 09.00 a.m and the petitioner and other participants shall disburse immediately after the function from the venue;

iii) The procession shall be conducted in the route prescribed by the respondent police;

iv) The petitioner and other participants shall not use any public address system or shout, raise any slogan for or against any community party or community or party leader or any caste, community or creed;

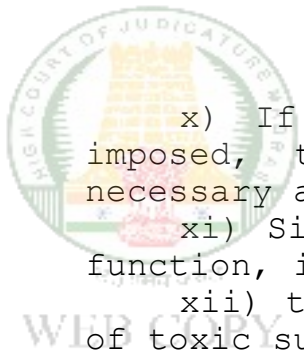
v) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;

vi) The participants of the function shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance;

vii) Songs praising communal leader or having communal overtones should not be played;

viii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed;

ix) There should not be any Flex Boards representing any community or political leaders;



x) If there is any 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;

xi) Similarly, the Police is empowered to stop the anniversary function, if it exceeds beyond the permitted time;

xii) the participants of the function shall not intake any kind of toxic substance or liquor during the function;

xiii) If there is any untoward incident, the village people and the organizers of the function be made responsible for the same;

xiv) The third respondent is at liberty to impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity, so as to maintain law and order and communal harmony, taking into consideration the ground reality and situation.

9.The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the anniversary function.

10.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

sjj/skn

To

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

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

3.The Inspector of Police,
Puliyangudi Police Station, Tenkasi District.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-105767[F] dated 18/12/2019)

WP.(MD)No.26578 of 2019
18.12.2019.

TK/VR/SAR.1/18.12.2019/4P/5C