



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.20392 of 2021

Nanthu @ Ananthan

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Vallam,
Thanjavur District.

3.The Inspector of Police,
Vallam Circle,
Vallam Police Station,
Thanjavur 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 pertaining to order dated 10.11.2021 in proceeding:Nil passed by the third respondent and quash the same as illegal and consequently direct the respondents herein to grant permission for conducting Yagam for world peace on 13.11.2021 in the property situated at Sur.No.206/1B & 7A situated at Vannarpettai, Vallam Taluk, Thanjavur District in the light of Raja Rajachozan Sathaiya Vizha.

For Petitioner : Mr.K.P.S.Palanivelrajan
for Mr.C.Senthil Murugan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2. With the consent of learned counsel on either side, the writ petition is taken up for final hearing at the admission stage itself.



3. The petitioner wants to perform the petition mentioned event. when a request was made, the third respondent rejected the same. The rejection order is put to challenge in this writ petition.

4. The learned Additional Public Prosecutor pointed out that the petitioner's antecedents are not encouraging enough. According to him, the petitioner is proposing to install a huge statue of king Raja Rajachozan 150 meters near the airport.

5. The petitioner's credentials are presently not being probed. The only question that arises for determination is whether the petition mentioned event can be allowed to go on. It is seen that the petitioner wants to perform yagam within his private premises. He would also state that only 25 persons are going to participate. He also gave an undertaking that Covid protocol would be followed. The purpose of conducting yagam is for world peace. *Prima facie*, there does not appear to be any communal angle.

6. The learned counsel drew my attention to the order dated 18.10.2019 made in W.P.(MD)No.21856 of 2019 wherein it has been held that the order passed under Section 30(2) of the Police Act is only for regulation and not for prohibition.

7. Therefore, promulgation of the prohibitory order cannot be a ground for denying permission to the petitioner herein. The other reasons set out in the impugned order are not really germane. No material has been placed to show that permitting the petitioner to conduct the event would affect law and order or cause breach of peace. The petitioner can be denied the right to hold the event for legally acceptable reasons. No such cause has been shown by the respondents. The order impugned in the writ petition is therefore quashed and the respondents are directed to permit the petitioner to conduct the petition mentioned event. It is of-course open to the respondents to stipulate appropriate conditions to ensure the smooth holding of the event. The Writ Petition is allowed. No costs.

Sd/-

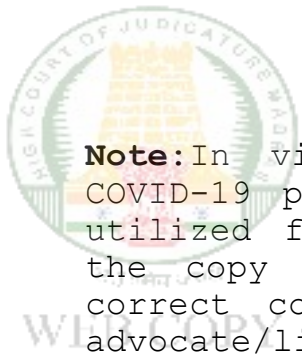
Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Deputy Superintendent of Police,
Vallam,
Thanjavur District.
- 3.The Inspector of Police,
Vallam Circle,
Vallam Police Station,
Thanjavur District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

**W.P (MD) No.20392 of 2021
12.11.2021**

TR/PM(12.11.2021) 3P 5C