



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 22434 of 2021

A.Ramasamy Nadar

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.

2. The Inspector of Police,
Ambasamudram police station,
Ambasamudram,
Tirunelveli District.

3. N.Loganathan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent by his impugned proceedings dated 09.12.2021 and quash the same and consequently direct the second respondent to grant permission and protection to conduct Kodai festival on 24.01.2022 to 26.01.2022 in Arulmigu Sri Muppudathi Amman Thirukovil, Aathiyadi Valaivu Street, Brahmadesam Village, Ambasamudram Taluk, Tirunelveli District.

For Petitioner	: Mr.P.P.Alwin Balan
For R-1 & R-2	: Mr.M.Veeranthiran, Government Advocate.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2.

2. The subject matter of the writ petition relates to the conducting of Kodai festival in the last week of January 2022 in the petition mentioned temple. Though a private party has been added as a respondent, the learned counsel for the petitioner states that the third respondent is also on the same page. Earlier there were differences between them. Since in the earlier writ petitions, the third respondent was added as party, the petitioner has once again shown him as party in this writ petition.

3. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.



4. The second respondent has passed the impugned order rejecting the petitioner's request on the ground that the previous years witnessed law and order problems.

5. The petitioner's counsel draws my attention to the order dated 11.01.2019 in W.P.(MD)No.459 of 2019 and order dated 18.12.2019 in W.P.(MD)No.24777 of 2019 and order dated 21.12.2020 in W.P.(MD)No.18897 of 2020. The learned counsel would submit that every year similar orders were passed and the petitioner moved this Court for relief.

6. I wanted to know from the police officer as to whether the adverse incident took place during the last year's festival. It is fairly stated that no untoward incident happened on the last occasion.

7. In view of the same, the order impugned in this writ petition is set aside. This writ petition stands allowed and the first respondent is directed to issue proceedings permitting the petitioner to hold the petition mentioned event. It is of course open to the first respondent to incorporate appropriate conditions for ensuring the smooth conduct of the event. The petitioner through his counsel gives an undertaking that the organisers of the event will adhere to the police directives. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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 Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.

2. The Inspector of Police,
Ambasamudram police station,
Ambasamudram,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-39655[F] dated
20/12/2021)

W.P. (MD) No.22434 of 2021
17.12.2021

PS (CO)
KB (07.01.2022) 3P 5C