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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.NO.15017 OF 2022

P.Ramar

...Petitioner

Vs.

- 1.The Superintendent of Police,  
O/o. The Superintendent of Police,  
Perambalur.
- 2.The Deputy Superintendent of Police,  
O/o. The Deputy Superintendent of Police,  
Perambalur.
- 3.The Inspector of Police,  
Padalur Police Station,  
Perambalur District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ, to call for the records of the second respondent's impugned proceedings dated 30.05.2022 in C.No.231/Pro/SDO[P]/PER/2022 and quash the same as arbitrary, illegal, unconstitutional and consequently direct the second respondent to permit the chief guest to participate in the "Sri Selvamuthu Mariamman Thirukovil Urani Thiruvizha" festival to be held on 19.06.2022 at Padalur Village.

For Petitioner : Mr.C.Prakaran, SC  
for Mr.MA.Gouthaman

For Respondents : Mr.A.Gokuakrishnan  
Additional Public Prosecutor

O R D E R

The Writ Petition has been filed challenging the impugned Order passed by the second respondent dated 30.05.2022 while denying the chief guest to participate in the temple festival which is situated Padalur Village.



2. The second respondent while according permission for entry to the village to one sect of people of the community, there is restriction to bring any chief guest or any other leader from their community. When the matter came before this Court in the last hearing on 16.06.2022, this Court has directed the petitioner to file an affidavit indicating that there will not be any law and order problem caused by them and they will conduct the function as per the directions issued by the Deputy Superintendent of Police. Today, the petitioner has also filed an affidavit to that effect. The above affidavit is taken on file.

3. A perusal of the Order dated 30.05.22, it is seen that several restrictions have already been Ordered by the Deputy Superintendent of Police and in the manner in which the temple festival has to be conducted and the time limit is also fixed. When sufficient conditions are already imposed preventing any particular person is nothing but clear discrimination. Having allowed the people to do temple festival in a particular area, there cannot be any restrictions to prevent any other person on the ground of apprehending certain problem from him. It is also made clear that the person sought to be permitted in this meeting is also a leader of one of the political party. The responsibility also lies on him to see that the entire process go smoothly without any untoward incident. Being the leader of one of the sect of people, the responsibility is more on the leader rather than any ordinary person.

4. In such view of the matter the chief guest is permitted to participate in the festival keeping in mind the observations made by this Court that while attending a function, advise his section of people or party men not to create any law and order problem. Similarly, it is the duty of the police to put some sense on the other sect of people by holding peace committee meeting and ensure that no law and order problem arose in the area and permission is accorded on the same conditions imposed by the Deputy Superintendent of Police in his proceedings dated 30.05.2022. Despite such precautionary measures and restrictions imposed by the Deputy Superintendent of Police and also the Orders of this Court, if any one violates and causes damage to the public property, the police is directed to proceed for recovery of damages for such public property resorting to the provisions of law.

5. Accordingly, this Writ Petition stands allowed with the above observations and the chief guest is permitted to participate in the temple festival with the same conditions



imposed by the Deputy Superintendent of Police by his Order dated 30.05.2022. However, there shall be no order as to costs.

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Sd/-  
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

vrc

To

- 1.The Superintendent of Police,  
O/o. The Superintendent of Police,  
Perambalur.
- 2.The Deputy Superintendent of Police,  
O/o. The Deputy Superintendent of Police,  
Perambalur.
- 3.The Inspector of Police,  
Padulur Police Station,  
Perambalur District.
- 4.The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.MA.Gouthaman, Advocate Sr.No.36622

W.P.No.15017 of 2022

SR(CO)  
RVM(20/06/2022)