



W.P.No.30867 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30867 of 2022

K.Ganesan

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Namakkal,
Namakkal District.

3. The Sub-Inspector of Police,
Erumapatti Police Station,
Namakkal District.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to provide police protection for the temple festival viz. Sri Bhagavathy Amman Thirukkoil situated at Kasthuripatti Village, Senthamangalam Taluk, Namakkal District from 30.11.2022 to 02.12.2022 and also for conducting deity procession through North, East and west streets, Nadu street and Varagur Road of Kasthuripatti Village, Senthamangalam Taluk, Namakkal District with the distance of less than 1 Km for every year.



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For Petitioner : Mr.V.Elangovan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

Seeking permission to conduct temple festival and deity procession in the event of Sri Bhagavathy Amman Thirukkoil situated at Kasthuripatti Village, Senthamangalam Taluk, Namakkal District and the petitioner made a representation dated 24.06.2022 to the respondent. As the same has not been considered, the present Writ petition has been filed.

2. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

4. Learned Government Advocate (Crl.side), on instructions, would submit that there is likelihood of arising law and order problem.



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5. A mere apprehension cannot be a ground to reject permission for temple festival and deity procession. There is absolutely no material before this Court to hold that there will be a law and order problem in the event of permission being granted. In such view of the matter, the petitioner is permitted to conduct temple festival and deity procession in the event of Sri Bhagavathy Amman Thirukkoil situated at Kasthuripatti Village, Senthamangalam Taluk, Namakkal District, however with the following conditions:-

(a) The temple festival and deity procession in connection with the event of Sri Bhagavathy Amman Thirukkoil situated at Kasthuripatti Village, Senthamangalam Taluk, Namakkal District, shall be conducted from 30.11.2022 to 02.12.2022.

(b) The petitioner shall pay a sum of Rs.10,000/- (Rupees Ten thousand only) as charges, to the respondent Police and on receipt of the same, the respondent Police is directed to issue receipt and proceed further.

(c) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(d) If there is 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 forthwith; and

(e) The respondent is directed to issue necessary permission for temple festival and deity procession, incorporating the above conditions.



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6. With the above directions, this Writ Petition stands allowed. No costs.

28.11.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn/gd

Note: Issue order copy today i.e, **29.11.2022**.



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WEB COPY

To

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Deputy Superintendent of Police,
Namakkal,
Namakkal District.
3. The Sub-Inspector of Police,
Erumapatti Police Station,
Namakkal District.
4. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

mn

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