



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.377 of 2022

R.Aravindan

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Y.Othakadai,
Madurai District.

3.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to grant permission and necessary protection to perform the cultural programs such Children's games event on 14.01.2022 and dance program (Adal Padal) on 15.01.2022 at 07.00 pm., to 10.00 pm., in Arulmigu Sri Mandaianman Thirukovil, Y.Kodikulam, Madurai District for the sake of celebrating "Pongal" Thiruvizha.

For Petitioner : Mr.Srinivasaragavan

For Respondents : Mr.B.Thanga Aravindh

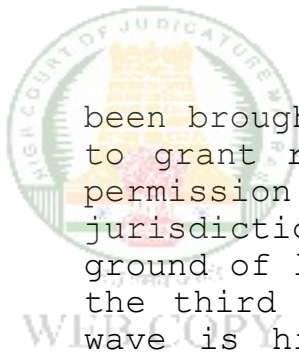
Government Advocate (Criminal Side)

ORDER

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

2. The petitioner submitted a request to the third respondent seeking permission to hold the petition mentioned event. The said request was rejected by the third respondent by citing the present pandemic situation. Though the writ petition has been filed in the nature of writ of Mandamus, rejection order dated 06.01.2022 has

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been brought to my notice. Therefore, I deem it fit and appropriate to grant relief. It is only the second respondent who can grant permission or refuse. The third respondent may not have the jurisdiction to reject the petitioner's request. Therefore, on the ground of lack of jurisdiction, the order dated 06.01.2022 passed by the third respondent is set aside. As of now, the third pandemic wave is hitting the nation and the world. But then, the total shutdown of all activities may not really be the answer. Of-course, if complete lockdown is later imposed by the Government, then, it is a matter altogether. As on date, there is still normal activities going on. Only on sundays, total lockdown is in force. The petitioner wants to hold the events only on 14.01.2022 and 15.01.2022.

3. The second respondent is therefore directed to give permission to the petitioner to hold the petition mentioned event. It is open to the second respondent to incorporate appropriate conditions to ensure the smooth conduct of the event. The petitioner through his counsel gives an undertaking that the organizers of the event will adhere to the police directives. The second respondent while issuing the proceedings permitting the holding of the event shall stipulate appropriate conditions for adhering to Covid-19 protocol. I make it clear that the order has been passed in this writ petition based on the position obtaining today. It is of-course open to the second respondent to take a call, if any subsequent lockdown restriction is imposed by the Government. The participants will wear mask and also maintain social distancing.

4. Recording the said undertaking, this Writ Petition is allowed. No

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
Madurai District,
Madurai.

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



2.The Deputy Superintendent of Police,
Y.Othakadai,
Madurai District.

3.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

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

W.P. (MD) .No.377 of 2022
10.01.2022

NSN(CO)
KB(11.01.2022) 3P 5C