



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.06.2022**

CORAM :

THE HONOURABLE **MRS.JUSTICE R.THARANI**

W.P. (MD)No.10766 of 2022

and

W.M.P. (MD)No.7764 & 7766 of 2022

Karuppaiah

...Petitioner

/Vs./

1.The Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.

2.The Inspector of Police,
Checkkanoorani Police Station,
Usilampatti,
Madurai District.

3.The Sub-Inspector of Police,
Vikramangalam Police Station,
Usilampatti,
Madurai District.

4.K.Karuppu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned order dated 28.05.2022 of the 2nd respondent and to quash the same as unsustainable and consequently to direct the 2nd respondent to grant appropriate permission and adequate police protection to the petitioner to celebrate festival and to conduct cultural programs from 03.06.2022 to 05.06.2022 in the petitioner's village on the eve of Vaikasi festival in the petitioner's village temple namely Arulmighu Kamba Kamatchi Amman and Arulmighu Karuppusamy Temple, situating in Nadu Muthalaikulam Village, Usilampatti Taluk, Madurai District as per the order dated 30.05.2019 made in WP(MD)No.12642 of 2019 on the file of this Court.

For Petitioner
For R-1 to R-3

:Mr.N.Sathiyendran
:Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu (Criminal Side)



ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

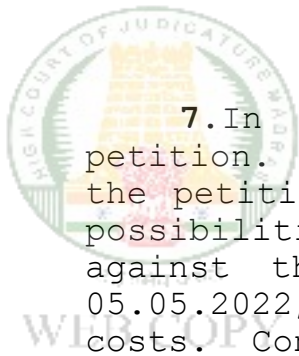
2.Mr.M.Muthumanikkam, learned Counsel for Government of Tamil Nadu (Criminal Side) accepts notice for the respondents 1 to 3.

3.The petitioner challenged the impugned order dated 28.05.2022 passed by the second respondent and sought for a direction to the second respondent to grant appropriate permission and adequate police protection to the petitioner to celebrate the festival and to conduct cultural programmes from 03.06.2022 to 05.06.2022 in the eve of Vaikasi festival in the petitioner's village temple, namely Arulmighu Kamba Kamatchi Amman and Arulmighu Karuppusamy Temple, situated in Nadu Muthalaikulam Village, Usilampatti Taluk, Madurai District.

4.On the side of the petitioner, it is stated that the petitioner used to conduct the temple festival and a detailed order was passed by this Court in WP(MD)No.12642 of 2019 on 30.05.2019 regarding the conduct of temple festival. Suppressing the said order passed by this Court dated 30.05.2019, the fourth respondent obtained an order of this Court in WP(MD)No.9417 of 2022 dated 05.05.2022. In pursuant to that order, permission was granted by the respondent police permitting the fourth respondent to conduct the festival for three days. Hence, the petitioner approached this Court by way of filing a writ petition in WP(MD)No.10221 of 2022, wherein, this Court, by an order dated 18.05.2022, directed the respondents to consider the representation of the petitioner, subject to the orders dated 30.05.2019 & 05.05.2022 passed in WP(MD) No.12642 of 2019 and 9417 of 2022 respectively. However, the respondents 1 to 3 gave permission on 28.05.2022 to the fourth respondent without considering the representation of the petitioner as per the order of this Court passed in WP(MD)No.10221 of 2022 dated 18.05.2022. Hence, the petitioner prayed this Court to accord permission to conduct cultural programmes in the temple festival.

5.On the side of the prosecution, it is stated that permission was granted to the fourth respondent to conduct cultural programmes during the temple festival.

6.This Court is of the opinion that the petitioner has to challenge the order passed in WP(MD)No.9417 of 2022 dated 05.05.2022, only by way of an appeal. The order of this Court passed in WP(MD)No.10221 of 2022 dated 18.05.2022 is only to consider the representation of the petitioner and there is no specific direction at all.



7. In view of the above, there is no merit in this writ petition. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the respondents for other possibilities, if any and he is also at liberty to file an appeal against the writ order passed in WP(MD)No.9417 of 2022 dated 05.05.2022, if he is so advised. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.

2. The Inspector of Police,
Checkkanoorani Police Station,
Usilampatti,
Madurai District.

3. The Sub-Inspector of Police,
Vikramangalam Police Station,
Usilampatti,
Madurai District.

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

Order made in
W.P. (MD) No.10766 of 2022
Dated: 02.06.2022

CK (CO)
GC(10.06.2022) 3P 5C