



W.P.(MD).No.13193 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2022

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THE HONOURABLE MRS.JUSTICE V.SIVAGNANAM

W.P.(MD).No.13193 of 2022

Subbaiah

... Petitioner

Vs.

The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 20.06.2022 passed by the respondent and quash the same as illegal and consequently direct the respondent to accord permission to conduct cultural programmes “Aadal Paadal” and “Karagattam” Programmes to be held on 18.07.2022 and 19.07.2022 in Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District .



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For Petitioner : Mr.S.Sankara Pandian

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed for Writ of Certiorarified Mandamus, to quash the order dated 20.06.2022 passed by the respondent and for a consequential direction to the respondent to accord permission to conduct cultural programmes “Aadal Paadal” and “Karagattam” Programmes to be held on 18.07.2022 and 19.07.2022 in Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District.

2. The facts of the case are that Kodai Festival for the temple, by name, Sri Sivan Parvathi Amman Temple situated at Kadankulam, Nanguneri Taluk, Tirunelveli District is going to be held on 18.07.2022 and 19.07.2022. Subsequent to the same, in order to conduct a cultural programme, they sought permission of the police by giving a representation dated 17.06.2022. The impugned order dated 20.06.2022 came to be passed by the respondent Police



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rejecting the petitioner's representation on the ground that if the said festival is allowed to be conducted, it would create communal riots and law and order problem. Aggrieved over the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that they will only conduct the cultural programmes and they will not involve in any communal riots. In these circumstances, the learned counsel for the petitioner pleaded to allow the Writ Petition.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that all community people will assemble in the festival and that, there is a possibility of communal problem and law and order problem. Hence, they rejected the request of the petitioner.

5. I have considered the matter in the light of the submissions made by the learned counsel for both the parties.



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6. On perusal of the records, it is seen that the petitioner proposed to conduct the cultural programmes on 18.07.2022 and 19.07.2022 at Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District. In this regard, the petitioner gave a representation seeking permission from the respondent Police to conduct the festival. The respondent Police rejected the representation on the ground that there is a possibility of communal problem and Law and Order problem. The respondent has not assigned any specific reason in the impugned order except stating that there is a possibility of communal clash. The reason assigned by the respondent Police is not supported by any materials. Hence, the impugned order is set aside. Accordingly, this Court directs the petitioner to give fresh representation with an undertaking to the respondent Police.

7. It is brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai had issued a circular memorandum in Rc.007301/Genl.I (1)/2019, dated 09.04.2019, along with instructions to the Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting cultural programme. In view of the detailed



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circular and guidelines issued by the Director General of Police, the respondent police is hereby directed to consider the representation of the petitioner and pass suitable orders based on the above said circular.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

30.06.2022

Index : Yes / No
Internet : Yes/ No
Nsr

Note:Issue Order copy on 07.07.2022



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V.SIVAGNANAM, J.

Nsr

To

- 1.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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