



W.P(MD)No.16259 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.16259 of 2022

Karuppasami

...Petitioner

Vs.

The State Rep.by

1.The Superintendent of Police,
The District Superintendent Office,
Theni.

2.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

...Respondents

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 rejection order passed by the second respondent in his proceedings in Na.Ka.No. 16/Ka.Aa/Kadamalaikundu/22, dated 09.03.2022 Serial No.4, and quash the same, consequently direct the second respondent to grant permission for conducting "Aadal Paadal" programme on 27.07.2022 at 7.00 p.m. in connection with the festival of Arulmighu Sri Malikaiparai Karuppusamy temple, which is situated at Uppudurai Village, Mulakkadai, Kadamalaikundu, Aundipatti Taluk, Theni District.



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For Petitioner : Mr.R.Karthic Rajan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order passed by the second respondent in his proceedings in Na.Ka.No.16/Ka.Aa/Kadamalaikundu/22, dated 09.03.2022 Serial No.4, and quash the same, consequently direct the second respondent to grant permission for conducting "Aadal Paadal" programme on 27.07.2022 at 7.00 p.m. in connection with the festival of Arulmighu Sri Malikaiparai Karuppusamy temple, which is situated at Uppudurai Village, Mulakkadai, Kadamalaikundu, Aundipatti Taluk, Theni District.

2.Mr.M.Sakthikumar, learned Government Advocate (Criminal Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that temple festival, by name, Arulmighu Sri Malikaiparai Karuppusamy



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temple situated at Uppudurai Village, Mulakkadai, Kadamalaikundu, Aundipatti Taluk, Theni District, is going to be held on 27.07.2022.

Subsequent to the same, in order to conduct a cultural programme, they sought permission of the police by giving a representation dated 18.07.2022. But the second respondent has rejected the same without any valid reason. Challenging the same, the present writ petition has been filed the above said relief.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the respondent police rejected the petitioner's representation on the ground of covid-19 situation and law and order problem.

5. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondents police.

6.A perusal of impugned order, dated 18.07.2022 shows that the petitioner sought permission to conduct 'Adal Padal' cultural programme on 27.07.2022, which was rejected by the respondent police on the



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ground of covid-19 situation and law and order problem. According to the petitioner, they regularly conducted 'Adal Padal' programme during the festival of Arulmighu Sri Malikaiparai Karuppusamy temple situated at Uppudurai Village, Mulakkadai, Kadamalaikundu, Aundipatti Taluk, Theni District and the petitioner is ready to obey the conditions that may be imposed by the police officials and follow the covid-19 protocol and also gives an undertaking that they will not involve in any illegal activities while conducting the programme.

7.It is noted that the first respondent police without considering the circular of the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019 passed the impugned order.

8. In view of the circular issued by the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019, the impugned order passed by the second respondent dated 18.07.2022 is hereby set aside.

9. In view of the above, the petitioner is at liberty to approach the second respondent and to give undertaking not to create any law and



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order problem and to follow covid-19 protocol while conducting the programme. The second respondent is hereby directed to consider the fresh representation will be given by the petitioner and pass suitable orders based on the above said circular.

10. With the above direction, this writ petition is disposed of.

No costs.

25.07.2022

Index : Yes / No
Internet : Yes/ No
vsd

Note: Issue Order Copy on 25.07.2022

To

- 1.The Superintendent of Police,
The District Superintendent Office,
Theni.
- 2.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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