



W.P(MD)No.16801 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.16801 of 2022

Kumaresan

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Manamadurai Division,
Sivagangai District.

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai 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 relating to the impugned order issued by the second respondent vide **ந.க.எண்.36/கா.ஆ/மானாமதுரை/2022**, நாள்:24.07.2022 and quash the same insofar as rejecting the request of the petitioner from performing the cultural activities of "Aadal Padal" scheduled on 05.08.2022 in the temple festival of "Aadi Month Mulaippari Urchava Festival of Arulmigu Sri Kannimar Kannadiyan Swami Temple situated at Kombukaranendal Village, Saveriyarpattinam Post, Manamadurai Taluk, Sivagangai District consequently direct the respondents herein to



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permit the petitioner to perform cultural programme of "Adal Padal" scheduled in the temple festival on 05.08.2022 at 7.00 p.m. to 11.00 p.m. in the temple festival of "Arulmigu Sri Kannimar Kannadiyan Swami Temple situated at Kombukaranendal Village, Saveriyarpattinam Post, Manamadurai Taluk, Sivagangai District.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.M.Sakthikumar
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 relating to the impugned order issued by the second respondent vide ந.க.எண். 36/கா.ஆ/மானாமதுரை/2022, நாள்:24.07.2022 and quash the same as illegal, consequently, to direct respondents herein to permit the petitioner to perform cultural programme of "Adal Padal" on 05.08.2022 from 7.00 p.m. to 11.00 p.m. in connection with temple festival of "Arulmigu Sri Kannimar Kannadiyan Swami Temple situated at Kombukaranendal Village, Saveriyarpattinam Post, Manamadurai Taluk, Sivagangai District.



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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 the petitioner gave a representation to the respondent police to grant permission for conducting 'Adal Padal' cultural programme on 05.08.2022 from 7.00 p.m. to 11.00 p.m. in connection with temple festival of "Arulmigu Sri Kannimar Kannadiyan Swami Temple situated at Kombukaranendal Village, Saveriyarpattinam Post, Manamadurai Taluk, Sivagangai District, which was rejected by the second respondent without any valid reason. Challenging the same, the present writ petition has been filed.

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that in the same village, there are two groups proposed to conduct 'Adal Padal' programme and the another group gave an application to conduct Adal Padal programme on 08.08.2022. So, the respondent police rejected the petitioner's



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representation on the ground of covid-19 situation and law and order problem. Hence, he prays for dismissal of this writ petition.

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 the impugned order, dated 24.07.2022 shows that the petitioner sought permission to conduct 'Adal Padal' cultural programme on 05.08.2022, which was rejected by the respondent police on the ground of covid-19 situation and law and order problem. According to the petitioner, he is ready to obey the conditions that may be imposed by the police officials and follow the covid-19 protocol and also ready to give 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.



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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 24.07.2022 is hereby set aside.

9. In view of the above, the petitioner is at liberty to approach the second respondent and to give a fresh representation along with undertaking not to create any law and order problem and to follow covid-19 protocol while conducting the programme. On receipt of such representation, the second respondent is hereby directed to consider the same and pass suitable orders based on the above said circular.

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

No costs.

29.07.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 01.08.2022



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V.SIVAGNANAM., J

vsd

To

- 1.The Deputy Superintendent of Police,
Manamadurai Division,
Sivagangai District.
- 2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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