



W.P(MD)No.18168 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.18168 of 2022

M.Sundararaja Moorthy

...Petitioner

Vs.

**1.The Deputy Superintendent of Police,
Sivakasi Sub Division,
Virudhunagar District.**

**2.The Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar 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 passed by the 2nd respondent, dated 06.08.2022 and quash the same as illegal, consequently directing the respondents herein to grant permission and necessary protection to conduct the "Adal Padal" dance programme on 14.08.2022 at 08.00 p.m. to 10.00 p.m. in connection with "Thiruvizha" of Arulmigu Sri Kaliyamman Thirukovil, Periyapottalpatti, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.S.M.Anantha Murugan

**For Respondents : Mr.M.Sakthi Kumar
Government Advocate (crl.side)**



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ORDER

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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 passed by the second respondent, dated 06.08.2022 and quash the same as illegal, consequently directing the respondents herein to grant permission and necessary protection to conduct the "Adal Padal" dance programme on 14.08.2022 at 08.00 p.m. to 10.00 p.m. in connection with "Thiruvizha" of Arulmigu Sri Kaliyamman Thirukovil, Periyapottalpatti, Sivakasi Taluk, Virudhunagar 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 the petitioner gave a representation to the respondent police to grant permission for conducting "Adal Padal" programme on 14.08.2022, which was rejected by the third respondent on the ground that law and order problem may arise. Hence, the petitioner filed this petition to quash



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the proceedings of the third respondent and seeks permission to conduct the programme.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there are two different groups sought for permission to conduct 'Adal Padal' festival in the same temple and if the programme is granted, there will be a serious communal problem and also law and order problem would arise. Hence, he pleaded to dismiss this 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 06.08.2022 shows that the petitioner sought permission to conduct 'Adal Padal' cultural programme on 14.08.2022, which was rejected by the respondent police on the ground of communal problem and law and order problem would arise. According to the petitioner, he is ready to give an undertaking that they will not involve in any illegal activities while conducting the



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programme.

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7.It is noted that the second 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 06.08.2022 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 that he will not create any law and order problem while conducting the programme. The second respondent is hereby directed to consider the fresh representation to be given by the petitioner and pass suitable orders based on the above said circular. If they will involve in any illegal activities, the second respondent is directed to take legal action against them.



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

No costs.

11.08.2022

Index : Yes / No
Internet : Yes/ No
vsd

Note: Issue Order Copy on 11.08.2022

To

- 1.The Deputy Superintendent of Police,
Sivakasi Sub Division,
Virudhunagar District.
- 2.The Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar 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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