



W.P(MD)No.18556 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.18556 of 2022

Ramachandran,

: Petitioner

Vs

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi

2. The Deputy Superintendent Of Police,
Thiruchendur, Thoothukudi District

3. The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made by third respondent in his proceeding in C.No.08/Mike/F5PS/2022, dated 04.08.2022 and set aside the same and consequentially directing the respondents to grant permission to conduct Aadal Paadal program to be conducted from 8.00 P.M to 11.00 P.M on 31.08.2022 in connection with the kodai festival of Arultharum Sri Mutharamman Thirukovil,



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Kulasekarapattinam, Thiruchendur Taluk, Thoothukudi District.

For Petitioner : M/s. Anbarasu.S.R,
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus, seeking to set aside the order passed by the third respondent in C.No.08/Mike/F5PS/2022, dated 04.08.2022 and consequently, direct the respondents to grant permission to conduct Aadal Paadal program, which is scheduled to be conducted on 31.08.2022 from 8.00 P.M to 11.00 P.M in connection with the kodai festival of Arultharum Sri Mutharamman Thirukovil, Kulasekarapattinam, Thiruchendur Taluk, Thoothukudi District.

2.The 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



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the said impugned order has been passed stating that law and order problem and communal problem may arise, if any cultural programme is conducted and no other reason has been stated in that. The reasons stated are not substantial one. Further, he submitted that the petitioner is ready to give an undertaking stating that the cultural program, which is scheduled to be held on 31.08.2022, will be conducted without creating any communal issues and law and order problem.

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that the said impugned order was passed on the ground that there is a communal problem between the parties. Hence the petitioner's representation was rejected.

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.It is noted that the third 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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7. 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 respondent police dated 04.08.2022 is hereby set aside.

8. The learned counsel for the petitioner is ready to give a fresh representation to conduct Aadal padal programme. If the petitioner gives a fresh representation, the third respondent is directed to consider the fresh representation and undertaking of the petitioner and pass suitable orders based on the above said circular.

9. With the above direction, this writ petition is disposed of. No costs.

16.08.2022

Index :Yes/No

Internet : Yes/ No

lr

Note:Issue Order copy on 29.08.2022



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V.SIVAGNANAM, J

lr

To

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi
2. The Deputy Superintendent Of Police,
Thiruchendur, Thoothukudi District
3. The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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