



W.P(MD)No.19897 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.19897 of 2022

Chinnaiah

...Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

3.Arumugam

...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 of the second respondent in his impugned proceedings in Na.Ka.No.24/Ka.Aa.A/Thiru/Puthu/2022, dated 15.08.2022 and quash the same and direct the respondents to grant permission and police protection to conduct Valli Thirumana Drama in Pattuperiyan Temple situated at Arasanthampatti Village, Peraiyur, Pudukkottai District on the day fixed by the second respondent by considering the petitioner's representation, dated 17.08.2022.



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For Petitioner : Mr.G.Mathavan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (crl.side)
(for R1 & R2)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in his impugned proceedings in Na.Ka.No. 24/Ka.Aa.A/Thiru/Puthu/2022, dated 15.08.2022 and quash the same and direct the respondents to grant permission and police protection to conduct "Valli Thirumana Drama" in Pattuperiyan Temple situated at Arasanthampatti Village, Peraiyur, Pudukkottai District on the day fixed by the second respondent by considering the petitioner's representation, dated 17.08.2022.

2. Mr.M.Sakthikumar, learned Government Advocate (Criminal Side) takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel appearing for the petitioner submitted that the petitioner gave a representation, dated 17.08.2022 to the second respondent police to grant permission for conducting "Valli Thirumanam Drama", which was rejected by the second respondent on the ground that the peace committee meeting conducted on 02.08.2022 by the Tahsildar, Thirumayam, has prohibited for conducting temple festival. But it is not true. In the peace committee meeting, worship and to conduct temple festival and "Kidavettu Poojai", were not prohibited. Therefore, the reason stated by the second respondent is unsustainable. Hence, the petitioner filed this petition to quash the proceedings of the second respondent and seeks permission to conduct the programme.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the temple festival already completed and the respondent police is ready to consider the representation, if any given by the petitioner.

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.



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6. A perusal of the impugned order, dated 15.08.2022 shows that the petitioner sought permission to conduct "Valli Thirumanam Drama", which was rejected by the second respondent police on the ground that in the peace committee meeting, it was decided not to conduct temple festival. But the impugned order is contrary to the peace committee meeting's decision. On perusal of peace committee meeting, it is seen that a decision was taken to conduct the festival peacefully with all members jointly without two groups, but not prohibited the temple festival. Therefore, the reason stated by the second respondent for rejecting permission, is contrary to the peace committee's decision, which is unsustainable.

7. Further, 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,



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the impugned order passed by the third respondent dated 15.08.2022 is hereby set aside.

9. Since the petitioner has already given a representation on 17.08.2022 seeking permission for conducting "Valli Thirumanam Drama", the second respondent is hereby directed to consider the representation, dated 17.08.2022 and pass suitable orders, based on the above said circular, within a period of three days from the date of receipt of a copy of this order.

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

No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No
vsd

Note: Issue Order Copy on 29.08.2022



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To

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



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V.SIVAGNANAM, J.

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