



W.P(MD)No.20309of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.20309 of 2022

Balasubramanian

...Petitioner

VS

1. The Superintendent of Police,
O.o. Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and set aside impugned proceeding passed by the 2nd respondent on 25.08.2022, and Consequently allow a Adal Padal Program on 01.09.2022, at 7.00 P.M to 10.00 P.M., in Mariamman temple at Kannar Street, Manamadurai Taluk, Sivagangai District within a stipulated time that may be fixed by this Honourable Court.

For Petitioner : Mr.D.Ajayepriyan

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 direction to set aside impugned proceeding passed by the 2nd respondent on 25.08.2022, and Consequently allow a Adal Padal Program on 01.09.2022, at 7.00 P.M to 10.00 P.M., in Mariamman temple at Kannar Street, Manamadurai Taluk, Sivagangai District within a stipulated time that may be fixed by this Court.

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 they seek permission from the respondent police to conduct Aadal Padal in the temple function of Vinayagar Chathurthi Festival. The respondent police has granted permission to conduct Vinayagar Chathurthi Festival, but the request to grant permission for conducting Aadal Padal was rejected on the ground that there is a chance for creating Law and order problem.



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4. The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioner sought permission to conduct Vinayagar Chathurthi Festival the same was granted. Since the police official strength is very poor for three days the permission for conducting Aadal Padal was rejected. The police officials will be busy in Vinayagar Chathurthi Festival. He further submitted that permission will be granted for conducting Aadal Padal, anything will be happened and therefore, rejected and objected to grant permission.

5. On perusal of the impugned order, it is seen that the police officials have granted permission to conduct the festival of Vinayagar Chathurthi, but, refused to grant permission for conducting Aadal Padal.

6.The learned counsel appearing for the petitioner further submitted that in order to conduct Aadal Padal, atleast three hours may be permitted is sufficient. He further submitted that they are ready to give an undertaking that any untoward incident will not be happened.

7. Recording the same, on perusal of the impugned order, it is seen that the police officials have permitted to conduct Vinayagar Chathurthi



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Festival and refused to grant permission to conduct Aadal Padal on the ground that there is a chance for creating law and order problem. Now, the learned counsel appearing for the petitioner seeks permission to conduct Aadal Padal, atleast three hours.

8. Considering the submission of the learned counsel appearing for the petitioner, with regard to the impugned order passed by the 2nd respondent police. dated 25.08.2022 pertaining to reject the Aadal Padal alone is set aside and the remaining order is confirmed. The 2nd respondent/Inspector of police, is hereby directed to consider the representation of the petitioner, afresh, pertaining to the Aadal Padal for three hours.

9. With the above observation, this Writ Petition stand closed.

No cost.

29.08.2022

Index :Yes/No

Internet : Yes/ No

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Note:Issue Order copy on 30.08.2022



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To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J

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