



W.P(MD). No.23286 of 2022

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:06.10.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P(MD). No.23286 of 2022

Periyakaruppan

... Petitioner

Vs

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

2.The Inspector of Police,
Cumbum South Police Station,
Cumbum, Theni District.

.. Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order dated 30.09.2022 made in Na.Ka.No.63/K2PS/Cumbum South Police Station/2022 passed by the second respondent and quash the same with regard to first condition of non granting permission to conduct Adal Padal program during the celebration of Kodai festival to Arulmighu Sri Manthaiamman kovil situated at Nello Kuthu Puliyamaram Street, Cumbum, Theni District and subsequently direct the second respondent to grant permission for conducting Adal Padal on



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10.10.2022 as from 07.00 pm., to 11.00 pm., at Nello Kuthu Puliymaram Street, Cumbum, Theni District the event of Purattasi Kodai Festival to the Lord Arulmighu Sri Manthaiamman forthwith.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorari, to quash the impugned order dated 30.09.2022 made in Na.Ka.No.63/K2PS/Cumbum South Police Station/2022 passed by the second respondent with regard to first condition of non granting permission to conduct Adal Padal program during the celebration of “Kodai festival” to “Arulmighu Sri Manthaiamman kovil” situated at Nello Kuthu Puliymaram Street, Cumbum, Theni District and subsequently, direct the second respondent to grant permission for conducting Adal Padal on 10.10.2022 from 07.00 pm., to 11.00 pm., at Nello Kuthu Puliymaram Street, Cumbum, Theni District the event of “Purattasi Kodai Festival” to the Lord “Arulmighu Sri Manthaiamman” forthwith.



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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 temple festival, by name, “Arulmighu Sri Manthaiamman kovil” situated at Nellu Kuthu Puliyaamaram Street, Cumbum, Theni District, is going to be held on 10.10.2022. Subsequent to the same, in order to conduct a cultural programme on 10.10.2022, they sought permission of the police by giving a representation dated 30.09.2022. But the second respondent police has rejected the same. 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 the second respondent police has rightly rejected the representation of the petitioner and hence, he prays for dismissal of this writ petition.



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5. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

6. 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.

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 30.09.2022 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 second respondent is directed to consider the representation of the petitioner and pass suitable orders based on the above said circular.



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

costs.

06.10.2022

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
Rmk

Note:Issue Order copy on 07.10.2022

To

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



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T.V.THAMILSELVI, J.

Rmk

ORDER
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Date : 06.10.2022