



W.P(MD)No.26216 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.26216 of 2022

Veerma Munivar Makkal Nalvazhvu Sangam,
Represented by its President
A.Gabriel.

...Petitioner

Vs.

1.The Superintendent of Police,
Subramaniyapuram,
Tiruchirappalli- 620 020.

2.The Inspector of Police,
Samayapuram Police Station,
Mannachanallur Taluk,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to grant permission to the Petitioner Association to conduct the “Sapparam Procession” on 30.11.2022 and Ther Procession on 01.12.2022 at Purathakudi Village, Mannachanallur Taluk, Tiruchirappalli District and consequently to consider the representation dated 22.10.2022 and 31.10.2022 made by the Petitioner’s Association.

For Petitioner : Mr. P.Arun Jayatram

For Respondents : Mr. R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents to grant permission to the Petitioner Association to conduct the “Sapparam Procession” on 30.11.2022 and Ther Procession on 01.12.2022 at Purathakudi Village, Mannachanallur Taluk, Tiruchirappalli District and consequently to consider the representation dated 22.10.2022 and 31.10.2022 made by the Petitioner’s Association.

2. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side) appearing for the Respondents.

3.The learned Counsel appearing for the Petitioner would submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

4.The learned Additional Public Prosecutor appearing for the Respondents objects stating that there is communal tension in the place, through which, the Petitioner intense to draw the Chariot “Sapparam”.



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5. The learned Additional Public Prosecutor objected to the contents of the affidavit in Paragraph No.5 is extracted here under,

5. The Petitioner further states that with reference to the annual successful harvest carried out at the Purathakudi Village, considering the request of the villagers relating to the thanks giving Harvest festival of the members of the Petitioner's society and Purathakudi Village people, the Petitioner's society namely the Veeramamunivar Makkal Nalvalu Sangam planned to conduct a "Sapparam Procession" on 30.11.2022 to fulfill the prayerful promises of the Petitioner's society members and Purathakudi Village people with the statues of Mother Mary, St.Joseph, St.Xavier and Risen Jesus starting from the entrance of Madathu Street (Convent Street) at 10.00 p.m., and proceed via South Street, Mela Street, Post Office Street, North Car Street, Fish Market, Pullambadi Street, Post Office Street and conclude the procession at 5.00 a.m., at Madathu Street (Convent Street) on 01.12.2022 at Purathakudi Village, Mannachanallur Taluk, Tiruchirappalli District. Further, the Petitioner's Association planned to conduct a "Ther Procession" on 01.12.2022 starting from the entrance of Theradi Street at 5.00 p.m., and proceed via



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Madathu Street (Convent Street), Post Office Street, North Car Street and conclude the procession at 6.00 p.m., at Theradi Street, Purathakudi Village, Mannachanallur Taluk, Tiruchirappalli District.

6. The learned Additional Public Prosecutor drew the attention of the Court on the previous orders of this Court in **W.P.(MD) No.23043 of 2018** and **W.P.(MD) No.8615 of 2019, dated 29.11.2018 and 23.04.2019** respectively.

7. The learned Counsel for the Petitioner submits that the Petitioner shall undertakes that he will abide any conditions imposed by the Respondents Police.

8. In the light of the above, the Writ Petition is disposed of with the following directions:

(i)The second Respondent/The Inspector of Police, Samayapuram Police Station, Manachanallur Taluk, Trichy District, is directed to consider the representation of the Petitioner, dated 22.10.2022 and 31.10.2022 and to give permission and to conduct the “Sapparam and Car Festival” as well as the cultural programme to be held on 30.11.2022 and 01.12.2022 at Purathakudi



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Village, Mannachanallur Taluk, Trichirappalli District, subject to the following conditions;

(a) The Car Festival as well as the Cultural Programme of the petitioner Association scheduled to be held on 30.11.2022 and 01.12.2022 should be conducted only within the area permitted by the Respondent police and should be completed within the time fixed by the Respondent.

(b) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(c) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(d) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop the car festival and the cultural programme forthwith; and

(e) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.



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9.It is open to the second Respondent Police to impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility depending upon the ground reality and situation. In failure of the above conditions, will attract the cancellation of the program by the Respondents Police. No costs.

22.11.2022

Internet:Yes/No

Index:Yes/No

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Note: Issue Order copy on 22.11.2022



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To

- 1.The Superintendent of Police,
Subramaniyapuram,
Tiruchirappalli- 620 020.
- 2.The Inspector of Police,
Samayapuram Police Station,
Mannachanallur Taluk,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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