



W.P(MD)No.28640 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.28640 of 2022

Thavamani

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
E1.K.Pudur Police Station,
K.Pudur, Madurai City.

3.M.Kalai Nila

4.M.Sakundala Devi

... Respondents

*(R3 and R4 are impleaded as per the order of this Court
dated 23.12.2022 in W.M.P.(MD)No.23047 of 2022 in
W.P.(MD)No.28640 of 2022)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to grant permission and protection for conducting the Annathanam in connection with Iyyappan Swamigal Mandala Poojai in Kubera Ganapathy Temple



W.P(MD)No.28640 of 2022

situated at S.R.N.Nagar, Ramalakshmi Nagar 3rd Street Junction, Moondrumavadi, K.Pudur, Madurai on 25.12.2022 based on the petitioner's representation dated 03.12.2022 and 17.12.2022.

For Petitioner : Mr.K.Sathish Kumar
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
For R3 & R4 : Mr.N.Balakrishnan

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to grant permission and protection for conducting Annathanam in connection with Iyyappan Swamigal Mandala Poojai in Kubera Ganapathy Temple situated at S.R.N.Nagar, Ramalakshmi Nagar 3rd Street Junction, Moondrumavadi, K.Pudur, Madurai on 25.12.2022 based on the petitioner's representation dated 03.12.2022 and 17.12.2022.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents 1 and 2. Mr.N.Balakrishnan, learned counsel takes notice for the respondents 3 and 4. By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P(MD)No.28640 of 2022

3. It is evident from the records that one Kalai Nila has filed a writ petition in W.P.(MD)No.24228 of 2016 and the Division Bench of this Court vide order dated 19.12.2016 directed the police officials not to allow the third respondent therein to cause blockages in the roads mentioned in the petition and also not to allow him to put up loud speakers and that subsequently, one Pandi has filed a writ petition in W.P. (MD)No.23402 of 2017 seeking permission to use mike set and put up overhead shed to celebrate lord Ayyappa Swamy Mandala Pooja to be held on 25.12.2017 and this Court vide order dated 19.12.2017 has granted permission, but subsequently, when the matter was being mentioned, this Court has specifically observed that due to paucity of time, the order passed by this Court cannot be changed and in case, the parties approaches the respondents or this Court, the grievance of the petitioner as well as other residents of locality will be considered based on the materials placed before the respondents.

4. Admittedly, the writ petitioner has not approached the respondents or this Court to sort out the issue.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that subsequent to the year 2017, no



W.P(MD)No.28640 of 2022

permission was granted. He would further submit that the second respondent may be directed to consider the representation of the writ petitioner.

6. The learned counsel appearing for the respondents 3 and 4 has raised objections to allow this petition.

7. Recording the submission made by the learned Additional Public Prosecutor, the second respondent is directed to consider the representation of the writ petitioner dated 17.12.2022 and pass orders on 24.12.2022 in accordance with law.

8. At the time of passing orders, the second respondent is directed to take note of the objections raised by the proposed parties.

9. With the above direction, this Writ Petition stands disposed of.

No costs.

23.12.2022

Index :Yes/No
Internet : Yes/ No
csm

Note : Issue order copy today (23.12.2022)



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W.P(MD)No.28640 of 2022

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
E1.K.Pudur Police Station,
K.Pudur, Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.28640 of 2022

K.MURALI SHANKAR, J

csn

Order made in
W.P(MD)No.28640 of 2022

Dated : 23.12.2022