



W.P.No.940 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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Jayaraman

... Petitioner

Vs.

1. The Circle Inspector of Police,
Banavaram Police Station,
Nemili (T),
Ranipet District.

2. The Sub-Inspector of Police,
Nemili Police Station,
Nemili (T),
Ranipet District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for records pursuant to the impugned order passed by the 1st respondent order No.Na.Ka.No.02/ka,a/ba.ka.T/2023 dated 03.01.2023 and quash the same and consequently direct the respondents to give permission to conduct the culture program (Adal & Padal) at Shri Thoppile Amman Kovil at Uliyanallur Village, Nemili (T), Ranipet (D) on 10.02.2023 between 7 PM to 11 PM based on he petitioner's representation dated 03.01.2023.



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For Petitioner : Mr.K.Venkat
For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to calling for records pursuant to the impugned order passed by the 1st respondent order No. Na.Ka.No. 02/ka.a/ba.ka.T/2023 dated 03.01.2023 and quash the same and consequently direct the respondents to give permission to conduct the culture program (Adal & Padal) at Shri Thoppile Amman Kovil at Uliyanallur Village, Nemili (T), Ranipet (D) on 10.02.2023 between 7 PM to 11 PM based on he petitioner's representation dated 03.01.2023.

2. The learned counsel appearing for the petitioner submitted that there is a temple festival on 09.02.2023 and 10.02.2023 at Shri Thoppile Amman Kovil at Uliyanallur Village, Nemili, Ranipet District. Every year this Temple Festival is conducted and during the Temple Festival, Adal Padal Event is also conducted. Like wise, this year also Adal Padal Event is scheduled on 10.02.2023. Therefore, the petitioner submitted a representation before the respondents seeking permission for conducting



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Adal Padal Event. However, the same was rejected citing the reason that there may occur communal clash and there is a possibility of spread of Corona Virus. Therefore, challenging the order passed by the 1st respondent in Na.Ka.No.02/ka,a/ba.ka.T/2023 dated 03.01.2023, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that there is a possibility of law and order issue arise between two communities and there is a possibility of spread of Corona Virus. Therefore, the permission was denied. He would also submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019 dated 09.04.2019, has issued circular to the Commissioner of Police, Superintendent of Police and all the Station Housing Officer, directing them to follow the procedure and instruct the petitioner seeking permission to conduct cultural programmes to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent police.



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4. It is seen from the submission of the learned counsel for the petitioner that the Temple Festival and Adal Padal event has been conducted for over a period of 13 years to the knowledge of the petitioner. No violent incident had happened in the past 13 years. Further, the respondents are not able to give any detail as to whether any law and order issue or communal violence had happened so far. The spread of Corona Virus is not a reason for denying the permission at the moment, when the Government has not issued any restrictions on Temple Festivals.

5. It is brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai, had issued a Circular Memorandum in Rc.007301/Genl.I(1)/2019, dated 09.04.2019, along with instructions to the Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting cultural programme. Therefore, in view of the detailed circular and guidelines issued by the Director General of Police, the respondent police is hereby directed to consider the representation of the petitioner, dated 03.01.2023 and pass suitable orders based on the above said circular.



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6. Considering the facts and circumstances of this case, the impugned order passed by the 1st respondent in Na.Ka.No.02/ka,a/ba.ka.T/2023 dated 03.01.2023 is set aside and the respondents are directed to consider the representation dated 03.01.2023 positively and provide police protection as per the circular. Accordingly, this Writ Petition stands disposed of with the above direction.

12.01.2023

Index :Yes/No
Internet:Yes/No
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G.CHANDRASEKHARAN, J.

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To

1. The Circle Inspector of Police,
Banavaram Police Station,
Nemili (T),
Ranipet District.
2. The Sub-Inspector of Police,
Nemili Police Station,
Nemili (T).
Ranipet District.
3. The Public Prosecutor,
High Court of Madras.

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