



W.P.No.5162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.5162 of 2023 and
W.M.P.No.5164 of 2023

Jaya Shankar

... Petitioner

Vs.

The Inspector of Police,
Vaduvoor Police Station,
Vaduvoor,
Needamangalam Taluk,
Tiruvarur District

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in her proceedings in Na.Ka.No.03/2022/Va.Ka.Ni/ dated 08.02.2023 and quash the same and further direct the respondent to grant permission to conduct cultural programme in Arulmigu Shri Agniveeran Swamy Temple Festival, situated at Athikkottai Village, Needamangalam Taluk, Tiruvarur District, going to be held on 23.02.2023.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

The Writ Petition has been filed to call for the records of the respondent in her proceedings in Na.Ka.No.03/2022/Va.Ka.Ni/ dated 08.02.2023 and quash the same and further direct the respondent to grant permission to conduct cultural programme in Arulmigu Shri Agniveeran Swamy Temple Festival, situated at Athikkottai Village, Needamangalam Taluk, Tiruvarur District, going to be held on 23.02.2023.

2.The learned counsel appearing for the petitioner submitted that petitioner gave a representation dated 08.02.2023 to the respondent for celebrating temple festival (Cultural programme) at Arulmigu Shri Agniveeran Swamy Temple Festival, situated at Athikkottai Village, Needamangalam Taluk, Tiruvarur District, with cultural programme. The representation was rejected by the respondent in the proceedings in Na.Ka.No.03/2022/Va.Ka.Ni/ dated 08.02.2023. Challenging the rejection order, this petition is filed.



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3.The learned Government Advocate (Criminal side) appearing for the respondent submitted that due to the spread of Covid-19 and apprehension of law and order problem, the permission was denied.

4.Considered the rival submissions and perused the records.

5.As of now there is no notification issued by either Central Government or State Government with regard to gathering of public in public place or restriction of gathering in the public place. Therefore, the reason stated in the rejection order that permission is rejected due to spread of Covid-19 cannot be accepted. No plausible explanation, reason or instance given with regard to apprehension of law and order problem. Therefore, the reason stated for rejection of permission stating law and order problem will arise, cannot be accepted. Therefore, the rejection order of respondent in Na.Ka.No.03/2022/Va.Ka.Ni/ dated 08.02.2023 is set aside. The respondent is directed to consider the petitioner's representation dated 08.02.2023 immediately.



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6.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 08.02.2023 and pass suitable orders based on the above said circular.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

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Index :Yes/No

Internet:Yes/No

Note: Issue order copy on 22.02.2023



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To

The Inspector of Police,
Vaduvoor Police Station,
Vaduvoor,
Needamangalam Taluk,
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G.CHANDRASEKHARAN, J.

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