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W.P.No.17876 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.17876 of 2023

M.Senthil

...Petitioner

Vs.

The Sub Inspector of Police,
Ayilpatti Police Station,
Ayilpatti,
Namakkal District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent dated 12.06.2023 and quash the same and consequently directing the respondent to grant permission and police protection to conduct cultural programme (Adal Padal Nigalchi) in the event of Kappaluthu Village Arulmigu Sree Mariyamman Temple Festival at Rasipuram Taluk, Namakkal District on 28.06.2023 between 06.00 PM and 11.00 PM.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.Leonard Arul Joshph Selvam
Government Advocate (Crl.Side)



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ORDER

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The Writ Petition has been filed to call for the records of the respondent dated 12.06.2023 and quash the same and consequently direct the respondent to grant permission and police protection to conduct cultural programme (Adal Padal Nigalchi) in the event of Kappaluthu Village Arulmigu Sree Mariyamman Temple Festival at Rasipuram Taluk, Namakkal District on 28.06.2023 between 06.00 PM and 11.00 PM.

2. It is the submission of the learned counsel for the petitioner that, petitioner submitted a representation dated 12.06.2023 seeking permission to conduct Adal Padal programme during temple festival on 28.06.2023 between 06.00 p.m. and 11.00 p.m. at Kappaluthu Village, Arulmigu Sree Mariyamman Temple at Rasipuram Taluk, Namakkal District. This representation was rejected by the respondent, stating that, there is a possibility of law and order issue to crop up. Challenging the order passed by the respondent on 12.06.2023 and seeking permission for conducting Adal Padal programme on 28.06.2023, this petition is filed.



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3. In response, the learned Government Advocate (Crl.side) submitted that the respondent police apprehends that if Adal Padal programme is conducted, there is a possibility of law and order issue to crop up and therefore, permission was rejected to conduct Adal Padal programme during the temple festival on 28.06.2023.

4. In reply, learned counsel for the petitioner submitted that, Adal Padal programme is being conducted for the last 5 years during the temple festival at Kappaluthu Village, Arulmigu Sree Mariyamman Temple at Rasipuram Taluk, Namakkal District and so far, no law and order issue had ever come up during the celebration of temple festival and Adal Padal programme. He further submitted that petitioner is prepared to file an undertaking that, he would ensure that no law and order issue will come up.

5. The learned Government Advocate (Crl.Side) also conceded that there is no law and order issue during the celebration of temple festival and Adal Padal programme at Kappaluthu Village, Arulmigu Sree Mariyamman Temple Festival at Rasipuram Taluk, Namakkal District in the past years.



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7. When there is no adverse incident, especially, law and order issue reported during the past 5 years when Adal Padal programme was conducted in the temple festival at Kappaluthu Village, Arulmigu Sree Mariyamman Temple at Rasipuram Taluk, Namakkal District, the rejection of petitioner's representation on the mere apprehension that law and order problem may arise cannot be accepted. There is no contradictory material adduced in support of the apprehension of the law and order issue that may come up. Therefore, this Court set aside the order dated 12.06.2023 passed by the respondent and the respondent is directed to consider the petitioner's representation dated 12.06.2023 afresh and pass positive order, giving permission for conducting Adal Padal programme during the temple festival on 28.06.2023 at Kappaluthu Village, Arulmigu Sree Mariyamman Temple Festival at Rasipuram Taluk, Namakkal District, with necessary conditions mentioned in the Circular Memorandum issued by the Director General of Police, Tamil Nadu, Chennai, in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 and Rc.03316/General.I(1)/2023, dated 01.06.2023.



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8. With the above directions, this Writ Petition is disposed of. No

costs.

21.06.2023

Index :Yes/No

Internet :Yes/No

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To

1.The Sub Inspector of Police,
Ayilpatti Police Station,
Ayilpatti,
Namakkal District.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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