



W.P.No.19141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.19141 of 2023

D.Marimuthu

... Petitioner

Vs.

1.The Superintendent of Police
Thiruvarur District,
Thiruvarur.

2.The Inspector of Police,
Vaduvur Police Station,
Vaduvur,
Thiruvarur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, call for records relating to the impugned proceeding issued by the 2nd respondent vide Na.Ka.No.12/2023/v.k.n dated 15.06.2023 and to quash the same and consequently directing the respondent to grant permission to conduct cultural program (Dance and Music program) in the Durai Asaithambi Samathi Temple situated at Vaduvur Vadapathi village, Thiruvarur District 614 019, scheduled to be held on 03.07.2023.

For Petitioner : Mr.S.Venkatesan



W.P.No.19141 of 2023

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl side)

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ORDER

This Criminal Original Petition has been filed to call for records relating to the impugned proceeding issued by the 2nd respondent vide Na.Ka.No.12/2023/v.k.n dated 15.06.2023 and to quash the same and consequently directing the respondent to grant permission to conduct cultural program (Dance and Music program) in the Durai Asaithambi Samathi Temple situated at Vaduvur Vadapathi village, Thiruvarur District 614 019, scheduled to be held on 03.07.2023.

2.It is the submission of the learned counsel for the petitioner submitted that petitioner gave a representation dated 11.06.2023 for conducting Adal Padal event during 41st Guru Poojai festival at Durai Asaithambi Samathi on 03.07.2023. The permission was rejected on the ground that if Adal Padal event is conducted, there is a possibility of law and order issue and spread of Corona disease.

3.The learned Government Advocate (Criminal side) also submitted that apprehending that Corona disease would spread and that law and order issue will arise, permission was rejected.



W.P.No.19141 of 2023

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4. In reply, the learned counsel for the petitioner submitted that Adal Padal event is being conducted for the past two years and so far no law and order issue was reported.

5. In the light of submission made by the learned counsel appearing for parties, this Court is of the view that there is no fear of spread of Corona disease as of now due to effective steps taken by the Government in arresting the spread and preventing the Corona disease. There is no material produced to support the apprehension that if permission to conduct Adal Padal program is given, it would lead to law and order problem. On the basis of mere apprehension without any material in support of the apprehension of law and order issue, the rejection of permission cannot be accepted. Therefore, order of rejection vide Na.Ka.No.12/2023/v.k.n dated 15.06.2023 is set aside. This Court directs the respondent to consider the petitioner's representation and grant permission to conduct Adal Padal program on the basis of petitioner's representation dated 11.06.2023 by imposing necessary conditions mentioned in the Circular Memorandum issued by Director General of Police, Tamil Nadu, Chennai, in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 and



W.P.No.19141 of 2023

Rc.03316/General.I(1)/2023, dated 01.06.2023.

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

28.06.2023

Index:Yes/No

Speaking/Non speaking order

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W.P.No.19141 of 2023

WEB COPY

To

1.The Superintendent of Police
Thiruvarur District,
Thiruvarur.

2.The Inspector of Police,
Vaduvur Police Station,
Vaduvur,
Thiruvarur District.

3. The Public Prosecutor,
High Court of Madras.



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W.P.No.19141 of 2023

G.CHANDRASEKHARAN.J.,

ep

W.P.No.19141 of 2023



WEB COPY



W.P.No.19141 of 2023

28.06.2023