



W.P(MD)No.10522 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.10522 of 2023

Madasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of impugned order of the third respondent in respect of the Innisai Katcheri/Pattukatcheri going to be held on 30.04.2023 in pursuance to the temple festival namely “Sri Vanumamalai Perumal Temple” at Nanguneri and quash the same and further directing the respondents to grant permission to conduct the “Innisai Katcheri/Pattukatcheri” on 30.04.2023 from 08.00 p.m to 1.00



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a.m in pursuance to the temple festival namely “Sri Vanumamalai Perumal Temple” at Nanguneri, Tirunelveli District.

For Petitioner : Mr.C.Susi Kumar
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of impugned order of the third respondent in respect of the Innisai Katcheri/Pattukatcheri going to be held on 30.04.2023 in pursuance to the temple festival namely “Sri Vanumamalai Perumal Temple” at Nanguneri and quash the same and further directing the respondents to grant permission to conduct the “Innisai Katcheri/Pattukatcheri” on 30.04.2023 from 08.00 p.m to 1.00 a.m in pursuance to the temple festival namely “Sri Vanumamalai Perumal Temple” at Nanguneri, Tirunelveli District.

2. Mr.M.Nambiselvan, learned Additional Public Prosecutor takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel appearing for the writ petitioner submitted that festival for the temple, by name, “Sri Vanumamalai Perumal Temple” at Nanguneri, Tirunelveli District, is going to be held on 30.04.2023 from 08.00 p.m to 1.00 a.m. Subsequent to the same, in order to conduct a cultural programme on 30.04.2023 from 08.00 p.m to 1.00 a.m, they sought permission of the police by giving a representation dated 17.04.2023.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that they have already issued proceedings on 18.04.2023 by rejecting the representation made by the writ petitioner dated 17.04.2023 for conducting the Adal and Padal stating on the earlier occassion, murdered was took place in the similar event, over which, the apprehension of breach of peace, by the respondents.

5. I have considered the submission of the learned counsel appearing for the writ petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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6. It is noted that the third respondent police without considering the circular of the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019 passed the impugned order.

7. In view of the circular issued by the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019, the impugned order passed by the third respondent dated 18.04.2023 is hereby set aside, the writ petitioner is directed to file a fresh representation before the third respondent and on such representation, the third respondent is hereby directed to consider the the same and also considering the submission of the learned Government Advocate(Crl. Side), pass suitable order. Depending upon the outcome of the fresh representation, the petitioner shall workout his remedy through appropriate proceedings.

7. With the above direction, this Writ Petition stands disposed of. No costs.

28.04.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

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Order made in
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Dated : 28.04.2023