



W.P(MD)No.13267 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.13267 of 2023

T.Manikandan

... Petitioner

Vs.

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

2.The Inspector of Police (L & O),
T.Kallupatti Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.10/T.Kallupatti kaaval-Vattam-2023 dated 05.06.2023 and quash the same as illegal and consequently direct the second respondent to grant permission for conducting children's dance programe on 08.06.2023 at 07.00 p.m and “Aadal Paadal(Dance Progamme)” on 10.06.2023 at about night 07.00 p.m to 11.00 p.m for two days, to celebrate the festival in “Arulmigu Sri Shakthi Kaliasman Temple” which is situated in Puliampatti Village,



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Peraiyur Taluk, Madurai District and consequently to give adequate police protection to the festival, on the basis of the petitioner's representation dated 05.06.2023.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.R.Suresh Kumar
Government Advocate(Crl.Side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.10/T.Kallupatti kaaval-Vattam-2023 dated 05.06.2023 and quash the same as illegal and consequently direct the second respondent to grant permission for conducting children's dance programme on 08.06.2023 at 07.00 p.m and “Aadal Paadal(Dance Programme)” on 10.06.2023 at about night 07.00 p.m to 11.00 p.m for two days, to celebrate the festival in “Arulmigu Sri Shakthi Kaliamman Temple” which is situated in Puliampatti Village, Peraiyur Taluk, Madurai District and consequently to give adequate police protection to the festival, on the basis of the petitioner's representation dated 05.06.2023.



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2. Mr.R.Suresh Kumar, learned Government Advocate (Crl. Side)

takes notice for the respondents.

3.Heard both sides.

4. The learned counsel appearing for the writ petitioner submitted that festival for the temple, by name, Arulmigu Sri Shakthi Kaliyamman Temple at Puliampatti Village, Peraiyur Taluk, Madurai District, is going to be held tomorrow 08.06.2023 and 10.06.2023. Subsequent to the same, in order to conduct a cultural programme on 08.06.2023 and 10.06.2023, they sought permission of the police by giving a representation. But, the second respondent has considered and rejected the said representation. Challenging the same, the writ petitioner has come before this Court for the above said relief.

5.Perusal of impugned order shows that citing some law and order issue in the similar event in the nearby area, the representation that was made by the petitioner has been rejected.



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6. The learned counsel for the petitioner submitted that the petitioner is practicing Advocate and also functioning as a Village President and he has also given an undertaking that he will take care of the above said even that no law and order problem is created in the event.

7. The learned Government Advocate(Crl. Side) appearing for the respondent police submitted that a lot of police officials are deployed in the near village to control the law and order problem, on that ground only objection has been made. He further submitted that with regard to conduct the children's programme he has no objection.

8. Let the Children's programme may be conducted, of course with a permission of the second respondent. Therefore, the second respondent police is directed to consider the petitioner's representation to conduct the children's programme immediately and grant permission by deploying two men police from the police station to control and monitor the event. Insofar as the cultural programme(Aadal Paadal), which is scheduled to be held on 10.06.2023 is concerned, the petitioner has to wait.



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9.The petitioner is hereby directed to give fresh representation to conduct the cultural programme (Aadal Padal) to the second respondent, with an undertaking affidavit ensuring that no law and order problem is created, after a period of two weeks from the date of receipt of a copy of this order. Based upon the above said undertaking affidavit, the representation shall be disposed of imposing stringent conditions immediately following the order following the order of the Hon'ble Division Bench of this Court passed in the case of ***C.Sathasivam Vs. The Superintendent of Police, Trichy District and another***, in ***W.P. (MD).No.12535 of 2023, dated 24.05.2023*** and in the light of the circular of the Director General of Police, Tamil Nadu, Chennai in Rc. 007301/Genl.I (1)/2019 dated 09.04.2019.

10.With the above said directions, this writ petition stands disposed of and the rejection order that has been passed by the second respondent dated 05.06.2023 vide his proceedings in Na.Ka.No. 10/T.Kallupatti kaaval-Vattam-2023 is hereby set aside.

08.06.2023

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

- 1.The Superintendent of Police,
Madurai,
Madurai District.
- 2.The Inspector of Police (L & O),
T.Kallupatti Police Station,
Madurai District.
- 3.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
W.P(MD)No.13267 of 2023

Dated : 08.06.2023