



W.P(MD)No.13962 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.13962 of 2023

M.Somasundaram

... Petitioner

Vs.

1. The Superintendent of Police,
Thirunelveli District,

2.The Inspector of Police,
Pathamadai 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 pertaining to the impugned order passed by the 2nd respondent, dated Nil and quash the same as illegal improper and unconstitutional consequently, directing the respondents to consider the petitioner's representation, dated 22.05.2023 and grant permission and necessary police protection for conducting “cultural folk song and dance” programme at Shri Mutharamman Kovil,, Melasadayamankulam, Pathamadai, Cheranmahadevi, Tirunelveli District on 20.06.2023 at 10.00 pm.



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For Petitioner : Mr. C. Venkatesh
For Respondents : Mr. R. Suresh Kumar
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the 2nd respondent, dated Nil and quash the same and consequently, direct the respondents to consider the petitioner's representation, dated 22.05.2023 and grant permission and necessary police protection for conducting “cultural folk song and dance” programme at Shri Mutharamman Kovil,, Melasadayamankulam, Pathamadai, Cheranmahadevi, Tirunelveli District on 20.06.2023 at 10.00 pm.

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, Shri Mutharamman



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Kovil,, Melasadayamankulam, Pathamadai, Cheranmahadevi, Tirunelveli District on 20.06.2023 at 10.00 pm. Subsequent to the same, in order to conduct cultural programme on 20.06.2023, 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 the second respondent rejected the representation stating that case in Crime No.183 of 2020 was registered for murder over the issue between the two communal people, over which, trial is going on. Similarly, other issue also existing in the village over rights, over which, LIR.No.48/2021 was registered for the offence under Section 107 Cr.P.C., and Peace Committee Meeting was arranged between these two groups of people.

6. The learned counsel for the petitioner submitted that the murder took place in the year 2020, so far as celebration of the temple festival in the year 2022 there was no issue among the villagers.



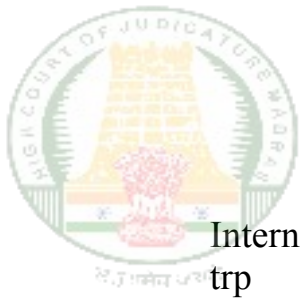
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7. Considering the fact that the murder took place in the year, 2020 and that there is not related to the celebration of temple festival, the rejection order that has been passed by the second respondent dated Nil is hereby set aside. The petitioner is hereby directed to give fresh representation to the respondent concerned, with an undertaking affidavit ensuring that no law and order problem is created, within a period of one week 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 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.

8. With the above said directions, this writ petition stands disposed of.

14.06.2023

NCC :Yes/No
Index :Yes/No



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Internet : Yes/ No
trp

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To

1. The Superintendent of Police,
Thirunelveli District,
2. The Inspector of Police,
Pathamada Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J

trp

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Dated : 14.06.2023