



W.P.(MD)No.19251 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:09.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.19251 of 2023

and

W.M.P.(MD).Nos.15945 & 15946 of 2023

C.Subramanian

... Petitioner

Vs

1.The District Superintendent of Police,
District Superintendent office,
Pudukkottai District, Pudukkottai.

2.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Ponnamarvathi, Pudukkottai District.

3.The Inspector of Police,
Panaiyapatti Police Station,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by the third respondent dated 02.08.2023 and quash the same as illegal and consequently direct the respondents to grant necessary permission and police protection to conduct 10th day car procession and cultural drama Valli Thirumanan on the eve of Arulmighu Srisundaramakaliamman Thirukovil Aadi Thiruvizha on 10.08.2023.



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For Petitioner : Mr.K.Balasundaram
Senior Counsel
for Ms..A.Aruljenifer

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This petition is filed for setting aside the orders passed by the respondent Police declining to permit the petitioner to conduct 10th day car procession and cultural drama Valli Thirumanan on the eve of Arulmighu Srisundaramakaliamman Thirukovil Aadi Thiruvizha on 10.08.2023.

2. It is submitted by learned Senior Counsel for the petitioner that every year, the villagers have performed the festival for a period of ten days and this year also, the villagers scheduled to conduct cultural drama Valli Thirumanan and car procession of a deity in the chariot in the streets of the Village during the course of Aadi festival at Arulmighu Srisundaramakaliamman Thirukovil Aadi Thiruvizha. However, the respondent Police stated to have declined permission on the ground that there can be a law and order problem in the village, in case, if procession, events and other festivals are permitted to take place.



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3. Learned Government Advocate (Criminal Side) on the other hand submits that on the day when the festival has commenced, there were disputes between the petitioner with some other persons and basing on which, cases stated to have been registered in Crime No.52 of 2023 for the offences under Sections 294(b), 427 and 506 (i) of I.P.C. and Crime No.53 of 2023 for the offences under Sections 147, 148, 448, 294(b), 323, 324 and 506 (ii) of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. Learned Senior Counsel appearing for the petitioner would submit that the Police can only regulate, but, cannot refuse to grant the permission in respect of conducting of festivals more so, when rituals are being conducted in the temple. During the course of submissions, learned Government Advocate (Criminal Side) submitted that, in case, if the petitioner approaches the Police once again with a fresh application, the respondent Police would consider granting the permission by fixing a specific date, time and other conditions, for which, the petitioner's counsel reported no objections. It is also reported that the petitioner has sent one more representation to the respondent Police on 05.08.2023.



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5. This Writ Petition is, therefore, disposed of, directing the respondent police to consider the representation of the petitioner dated 05.08.2023 and after discussing with the representatives of the petitioner to grant permission to conduct the festival as sought for by the petitioner by fixing specific date and to see that there is no untoward incidents happens during the course of programme. No costs. Consequently, the connected miscellaneous petitions are closed.

09.08.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

- 1.The District Superintendent of Police,
District Superintendent office,
Pudukkottai District, Pudukkottai.
- 2.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Ponnamarvathi, Pudukkottai District.
- 3.The Inspector of Police,
Panaiyapatti Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN, J.

tsg

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