



W.P.(MD)No.20957 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20957 of 2023

Muniyasamy

... Petitioner

Vs

1.The Deputy Superintendent of Police
Ilaiyankudi,
Sivagangai District.

2.The Inspector of Police,
Ilaiyankudi Police Station,
Ilaiyankudi,
Sivagangai 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 the impugned order issued by the second respondent, dated 22.08.2023, vide his proceedings in Na.Ka.No.23/Ka.Aa/Siva.U.Ko/Siva/2023 and quash the same as illegal and violative of principles of natural justice and consequently direct the respondents to grant permission to conduct Aadal Paadal programme in the Tamil Month of Aavani during Mulappari Festival scheduled to be held on 30.08.2023 at about 06.00 P.M. to be conducted at Arulmigu Sri Uyyavanthal Amman Temple at Naganathapuram, Gunappanethal, Perumpachery, Ilaiyankudi Taluk, Sivagangai District.

For Petitioner : Mr.S.Sankar

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



W.P.(MD)No.20957 of 2023

WEB COPY

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent Police to grant permission for conducting of a temple festival including Aadal Paadal programme in the Tamil Month of Aavani during Mulappari Festival on 30.08.2023 from 06.00 P.M. onwards at Arulmigu Sri Uyyavanthal Amman Temple at Naganathapuram, Gunappanethal, Perumpachery, Ilaiyankudi Taluk, Sivagangai District.

2. It is submitted by learned counsel for the petitioner that, every year, the villagers have been conducting the Aadal Paadal programme at Arulmigu Sri Uyyavanthal Amman Temple at Naganathapuram, Gunappanethal, Perumpachery, Ilaiyankudi Taluk, Sivagangai District and last year also, the permission has been given by the respondent Police and the programme was completed successfully without any untoward incidents.

3. It is further submitted that the respondent Police have rejected the permission this time by quoting unreasonable grounds and therefore, sought for suitable directions. It is further submitted that the festival is being celebrated from 22.08.2023 onwards and permission is sought for only in respect of the cultural programme (Aadal Paadal) on 30.08.2023.



W.P.(MD)No.20957 of 2023

3. Learned Government Advocate (Criminal Side), on the other hand, submits that, the copy of the order rejecting the permission of adal padal, wherein, it is mentioned that more than ten cases are pending between two groups in that village, in respect of lands belonging to the Temple and that in the last year, when permission was granted, the Police had intervened in the middle of the programme and stopped the celebration on account of law and order problem, thereby learned Government Advocate (Criminal Side) has strongly objected for granting of permission and submitted that, in case, if permission is granted, it may lead to law and order problem. Learned Government Advocate (Criminal Side) further submits that after getting instructions from the concerned Police Officer, who is present in the Court, the main reason for rejecting the permission for Aadal Paadal,, the place, where the villagers intend to conduct the programme.

5. Learned counsel for the petitioner submits that the petitioner has no objection, if permission to conduct adal padal program at any alternative suitable site.

6. Considering the submissions made by the learned counsel for the petitioner that one more opportunity may be given to the petitioner, so that, all the villagers cutting across the factions would go to the Police and file common application for granting of permission to conduct the festival.



W.P.(MD)No.20957 of 2023

WEB COPY

7. Considering the above, the petitioner is at liberty to approach the respondent Police along with all other persons belonging to all factions and groups and file common application, on filing of which, the respondent Police are directed to consider the same and consider for granting of permission by imposing suitable conditions, if the situation is conducive for conducting of Adal Padal Programme.

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

29.08.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

Note : Issue Order Copy by 30.08.2023

To

1.The Deputy Superintendent of Police
Ilaiyankudi,
Sivagangai District.

2.The Inspector of Police,
Ilaiyankudi Police Station,
Ilaiyankudi,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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W.P.(MD)No.20957 of 2023

DR.D.NAGARJUN, J.

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W.P.(MD)No.20957 of 2023

29.08.2023