

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

W.P.(MD) No.22583 of 2023

Krishnan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Kutralam,
Tenakasi District.

2.The Inspector of Police,
Kutralam Sub Division,
Tenkasi District.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to give proper permission and protection to conduct Vinayagar Chaturthi Festival on 17.09.2023 to 19.09.2023 by installing Vinayagar idol in front of Koothar Kovil, near to old Kutralam Police Station and for the procession scheduled to be held on 19.09.2023.

For Petitioner : Mr.T.Ramesh Raja
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a mandamus to the respondent Police to permit the petitioner to conduct Vinayagar Chaturthi Festival on 17.09.2023 to 19.09.2023 by installing Vinayagar idol in front of Koothar Kovil, near to old Kuttralam Police Station and for the procession scheduled to be held on 19.09.2023.

2. When the matter was taken up for hearing, learned Government Advocate (Criminal Side) has filed a counter affidavit stating that the permission was granted for installing the Vinayagar Idol at 18 different places within the limit of the second respondent Police. In all cases, the organizations have obtained permission from the Revenue Divisional Officer, Tenkasi, by furnishing the details in the prescribed format. The place where the petitioner intends to install the idol is at junction of five falls road where the Mosque is also situated about 200 metres away and the said place is very sensitive and thereby, the permission cannot be given to the petitioner which is a new organization. It is further stated that the petitioner has not obtained permission from the Revenue Divisional Officer. It is submitted that the permission has already been rejected to the petitioner for installation of the idol. Therefore, sought for dismissal the writ petition.

3. Learned counsel for the petitioner submitted that the petitioner has no objection, in case, if alternative suitable place is shown and as identified by the petitioner in consultation with the Police.

4. In view of the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side), this writ petition is disposed of, directing the petitioner to approach the respondent Police afresh by identifying suitable location other than one which is mentioned in this petition in consultation with the Police and on filing of such application, the respondent Police are directed to give permission by imposing suitable conditions. The petitioner is directed to follow the guidelines issued in G.O.Ms.No.598, dated 09.08.2018, passed by the Public (Law and Order.B) Department. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

15.09.2023

tsg

Note: Issue order copy on 15.09.2023

To

- 1.The Deputy Superintendent of Police,
Kutralam,
Tenakasi District.
- 2.The Inspector of Police,
Kutralam Sub Division,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN. J.

tsg

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