



W.P.(MD) No.23175 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.09.2023

CORAM:

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

W.P.(MD) No.23175 of 2023

A.Thavasi

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Assistant Commissioner of Police,
Koodalpudur Police Station,
Sellur Range, Madurai City.

3.The Inspector of Police,
Sellur Police Station,
Madurai City.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No. 151/Se.Mu.A/Ka.U.A/Se.Sa/M.Maa/ dated 18.09.2023 and quash the same and direct the second respondent to grant permission and necessary protection to perform the cultural program (ie.,)Adal Padal on 23.09.2023 at 06.00 pm., to 10.00 pm., in the evening of “Thiruvizha” at “Arulmigu Sri Manthaiyamman Temple” Kamatchi Nagar, Thathaneri Main Road, Madurai City.



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For Petitioner : Mr.P.Chandrasekar
For R1 to R3 : Mr.SS.Madhavan
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent police to grant the permission and necessary protection to perform the Aadal Paadal programme on 23.09.2023 in the eve of thiruvizha of Arulmigu Sri Manthaiyamma Temple at Kamatchi Nagar, Thathaneri Main Road, Madurai City by setting aside the order passed by the second respondent in Na.Ka.No.151/Se.Mu.A/Ka.U.A/Se.Sa/M.Maa/ dated 18.09.2023.

2.It is submitted by the learned counsel for the petitioner that every year the villagers have been conducting the programme on account of the festival of the said temple and this year also, the villagers have decided to conduct the Aadal Paadal programme on 23.09.2023 at Kamatchi Nagar, Thathaneri Main Road, Madurai City, however, the police declined to grant the permission.

3.The learned Government Advocate (Crl.side) by filing photographs of the place, where the petitioner is intending to perform the Aadal Padal programme,



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submits that the petitioner is intending to perform the programme just by the side of the highway and in case if the programme is conducted, there is every possibility of obstruction to the traffic.

4.On going through the said photographs, this Court is of the opinion that the place, where the petitioner proposes to conduct the programme, is by the side of the road, which, according to the petitioner, is not a highway and is a service road. Even then, it is seen that in the said place the vegetable market is there and the peoples are coming for shopping in autos as well as two wheelers.

5.Considering the circumstances that it is a place, where the people of the village gathered, the request of the petitioner for a direction to grant the permission to conduct the Aadal Paadal programme at Kamatchi Nagar, Thathaneri Main Road, Madurai City, which is chosen by the petitioner, cannot be considered. The petitioner should have first approached the police and after getting permission should have made arrangements for conducting the programme. But unfortunately, the petitioner has made arrangements and then, sought for permission without even considering as to whether the place is congenial for conducting the programme or not.



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6.At this stage, the learned counsel for the petitioner submits that in consultation with the police, he will identify the alternative suitable place for conducting the programme, on which he has requested the Court to direct the police to consider the same.

7.Considering the submissions made by the learned counsel on either side and on perusal of the records, this Petition is disposed of permitting the petitioner to file a fresh application before the respondent police after identifying the alternative suitable place in consultation with the police and on filing of such application, the respondent police are directed to consider and grant the permission to conduct the programme by imposing the usual conditions. No costs.

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

22.09.2023

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Note : Issue order copy on 22.09.2023



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DR.D.NAGARJUN. J.

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