



W.P(MD)No.24100 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.24100 of 2023

D.Chellapandian

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Peraiyur Sub-division,
Peraiyur,
Madurai District.

3.The Inspector of Police,
Nagaiyapuram Police Station,
Nagaiyapuram,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records vide in rejected letter dated Na.Ka.no. 12/The.Kallupatti Kaaval Vattam/2023, dated 30.09.2023 issued by the 3rd respondent and to quash the same as illegal arbitrary and ultra virus to the constitution of India and further direct the 3rd respondent to grant permission for



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conducting Adal Padal Programme is to be held as on 05.10.2023 at 06.00 PM to 11.30 PM and to the Temple Pongal Urchava Vizha at Arulmigu Sri Kaliyamman Temple situated at K.pappunayakkanpatti Village Peraiyur Taluk Madurai District.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This writ petitioner filed this Writ Petition challenging the impugned rejection order issued by the 3rd respondent in Na.Ka.no. 12/The.Kallupatti Kaaval Vattam/2023, dated 30.09.2023 and consequentially, seeking direction to the 3rd respondent to grant permission for conducting Adal Padal Programme is to be held as on 05.10.2023 at 06.00 PM to 11.30 PM and to the Temple Pongal Urchava Vizha at Arulmigu Sri Kaliyamman Temple situated at K.pappunayakkanpatti Village, Peraiyur Taluk, Madurai District.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents.

3.Heard both sides.



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4. The learned counsel appearing for the writ petitioner submitted that festival for the temple, by name, Arulmigu Sri Kaliyamman Temple situated at K.pappunayakkanpatti Village, Peraiyur Taluk, Madurai District, is going to be held on 05.10.2023. Subsequent to the same, in order to conduct a cultural programme on 05.10.2023, they sought permission of the police by giving a representation, dated 27.09.2023. But, the third 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. The learned Additional Public Prosecutor would submit that the representation that was made by the petitioner came to be rejected by the competent authority, on the apprehension of creating law and order problem in that area. If any fresh representation is given by the the petitioner, along with undertaking affidavit, the same will be considered by the respondent police.

6. Accordingly, the petitioner is directed to file an undertaking affidavit along with fresh representation, before the third respondent,



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within a week from the date of receipt of a copy of this order, stating that he will comply all the conditions whatever imposed upon them to conduct the above said event in peaceful manner. On such filing of the undertaking affidavit and fresh representation, it may be considered by the third respondent favourably imposing reasonable conditions by 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.

7. With the above said directions, this writ petition stands disposed of and impugned rejection order issued by the 2nd respondent dated 27.09.2023, is hereby set aside.

05.10.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
TM

Note: Issue order copy on **05.10.2023**.



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To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
Peraiyur Sub-division,
Peraiyur,
Madurai District.
- 3.The Inspector of Police,
Nagaiyapuram Police Station,
Nagaiyapuram,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.24100 of 2023

Dated : 05.10.2023