



W.P(MD)No.24103 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.24103 of 2023

Selvam

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

2.The Sub Inspector of Police,
Uthappanayakanur Police Station,
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 the records on the file of the 1st respondent in connection with the impugned rejection order passed by him vide his proceedings in Na.Ka.No.158/Kaa.Thu.Ka/Usilai/2023, dated 02.10.2023 and consequently direct the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on the eve of Arulmigu Kali Amman Temple, U.Kulathupatti Village,



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Uthappanayakanur, Usilampatti Taluk, Madurai District, which is to be held on 06.10.2023 from 7.00 p.m. to 10.00 p.m. based on the petitioner representation in person on 02.10.2023.

For Petitioner : Mr.S.Naveenkumar
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 1st respondent passed in Na.Ka.No.158/Kaa.Thu.Ka/Usilai/2023, dated 02.10.2023 and consequentially, seeking direction to the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on the eve of Arulmigu Kali Amman Temple, U.Kulathupatti Village, Uthappanayakanur, Usilampatti Taluk, Madurai District, which is to be held on 06.10.2023 from 7.00 p.m. to 10.00 p.m. based on the petitioner representation in person on 02.10.2023.

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 Kali Amman Temple, U.Kulathupatti Village, Uthappanayakanur, Usilampatti Taluk, Madurai District, is going to be held on 06.10.2023. Subsequent to the same, in order to conduct a cultural programme on 06.10.2023, they sought permission of the police by giving a representation, dated 02.10.2023. But, the first 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 petitioner, along with undertaking affidavit to the effect that the above said event will be conducted in peaceful manner, the same will be considered by the respondent police.

6.Accordingly, the petitioner is directed to file an undertaking



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affidavit along with fresh representation, before the first respondent, 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 first 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 1st respondent passed in Na.Ka.No.158/Kaa.Thu.Ka/Usilai/2023, dated 02.10.2023, is hereby set aside.

05.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
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To

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- 1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Usilampatti,
Madurai District.
- 2.The Sub Inspector of Police,
Uthappanayakanur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

TM

Order made in
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Dated : 05.10.2023