



W.P(MD)No.25313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.25313 of 2023

C.Pandiyan

... Petitioner

Vs.

1.The District Collector,
Viruthunagar District,
Virudhunagar.

2.The Superintendent of Police,
Viruthunagar District,
Virudhunagar.

3.The Deputy Superintendent of Police,
Thiruchuli Division,
Thiruchuli,
Viruthunagar District.

4.The Inspector of Police,
Narikudi Circle
Narikudi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 4th respondent letter Na.Ka.No.09/Mike/Co-NRK/2023 dated 15.10.2023



W.P(MD)No.25313 of 2023

and quash the same and in so far as conditions Nos.2,5,6,9,10,11 and 12 and consequently direct the respondents to permit the petitioner to celebrate the festival on 24.10.2023 from 6 a.m., to 6 p.m., and also permit the petitioner to conduct the procession with Mulaipaari, Paalkudam, Pongal, Mike sets, Lights at Narikudi Maruthu Pandiyar Brothers temple.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 4th respondent letter Na.Ka.No. 09/Mike/Co-NRK/2023 dated 15.10.2023 and quash the same and in so far as conditions Nos.2,5,6,9,10,11 and 12 and consequently direct the respondents to permit the petitioner to celebrate the festival on 24.10.2023 from 6 a.m., to 6 p.m., and also permit the petitioner to conduct the procession with Mulaipaari, Paalkudam, Pongal, Mike sets, Lights at Narikudi Maruthu Pandiyar Brothers temple.



W.P(MD)No.25313 of 2023

2. Mr.M.Sakthi Kumar, learned Government Advocate (Crl.side) takes notice for the respondents.

3.Heard both sides.

4. The learned counsel appearing for the writ petitioner submitted that "Guru Pooja" festival for the temple, by name, "Maruthu Pandiyar Brothers Temple', is going to be held on 24.10.2023. Subsequent to the same, in order to conduct a Pongal, Paalkudam, Mulaipaari programmes on that date, they sought permission of the police by giving a representation. But, the second 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 Government Advocate (Crl. Side) would submit that some restriction may be imposed upon the petitioner by the respondent herein, considering the previous happenings in the above said event.

6. The fourth respondent is present before this Court in person and



W.P(MD)No.25313 of 2023

stated that in the previous year, eventhough permission was granted to the petitioner to celebrate the event, inside the school between 6 a.m., and 9 a.m., by violating the same, they conducted the event till 6 p.m. With regard to Mulaippari, it is stated that permission was not granted in the last year, but by violating the order, they took the procession and in the midway that procession was stopped by them and the respondent has took the Mulaippari by themselves in a vehicle and carried to the event area. According to the respondents, procession cannot be permitted and so far the celebration of the event within the school premises, they are ready to grant permission on 27.10.2023 between 06.00 a.m., and 09.00 a.m.

7. Learned counsel for the petitioner submitted that more than 202 families have to take up the Pongal and it would take atleast up to 11.00 a.m., on that date.

8. Considering the submission of both sides, the fourth respondent shall grant permission to the petitioner to conduct the Guru Pooja within the school premises, on 27.10.2023, between 6 a.m., and 11 a.m., and permission for procession cannot be granted. The writ petitioner is



W.P(MD)No.25313 of 2023

directed to file an undertaking affidavit before the fourth respondent that they will comply all the conditions to be imposed by the fourth respondent. On such filing, the fourth respondent is hereby directed to consider the representation of the writ petitioner, positively and pass orders imposing necessary conditions. The participants should not violate any of the conditions to be imposed upon them by the fourth respondent.

9. With the above said directions, this writ petition stands disposed of. No costs.

19.10.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

Note : Issue order copy on **20.10.2023**

pnn

To

1. The District Collector, Viruthunagar District, Virudhunagar.
2. The Superintendent of Police, Viruthunagar District, Virudhunagar.
3. The Deputy Superintendent of Police, Thiruchuli Division, Thiruchuli, Viruthunagar District.

5/7



W.P(MD)No.25313 of 2023

4.The Inspector of Police, Narikudi Circle
Narikudi, Virudhunagar District

WEB COPY



WEB COPY



W.P(MD)No.25313 of 2023

G.ILANGOVA, J

pnn

Order made in
W.P(MD)No.25313 of 2023

Dated : 19.10.2023