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W.P.No.25945 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.25945 of 2024

Mr.Arul

.. Petitioner

/versus/

1.The Assistant Commissioner,
Salem Town Circle,
Salem City-636 001.

2.The Inspector of Police (Law and Order),
B-2 Sevaipettai Police Station,
Sevaipettai, Salem 636 002.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the impugned proceedings in Na.Ka.En.45/2024/Ka/Aa/Aluvalagam/Sevaipettai P.S., dated 27.08.2024 and quash the same as illegal, unconstitutional, unlawful, unreasonable and void, consequently, direct the respondents to permit the petitioner to celebrate the Vinayagar Chaturthi celebration based upon the representation of the petitioner dated 26.08.2024 in accordance with law.



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For Petitioner :Mr.N.Ganesh

For Respondents :Mr.S.Udayakumar
Govt.Advocate (Crl.Side)

ORDER

The petitioner, who is the District President of Vishwa Hindu Parishad (Tamil Nadu), Salem District, is before this Court challenging the order passed by the Inspector of Police Station, Sevaipettai, rejecting the request of the petitioner to install temporary Vinayagar Idol near Meenakshi Temple and take the idol in procession for Visarjan.

2.The learned Government Advocate(Crl.Side) appearing for the respondents submitted that the place at which the petitioner seeking permission to install Vinayagar Idol is a very congested place and if the idol is installed there, it will cause disturbance to the public and traffic and further, there is huts of poor family along the bank of Manimutharu will get affected.

3.The learned counsel appearing for the petitioner submitted



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that the place at which the idol sought to be installed being the place where the petitioner's organisation to install the idol for the past several years without causing any disturbance to the public and the reason stated by the respondent police is only a colourable exercise of power.

4. In the course of argument, the learned Government Advocate (Crl.Side) submitted that some of the participants of the foundation, who are found in the invitation issued by the petitioner organisation are history sheeters and the respondent police apprehends the law and order issue, if they participated in the function.

5. In response, the learned counsel appearing for the petitioner submitted that the allegation that some of the names found in the invitation are the history sheeters itself is wrong, even otherwise, the respondent police cannot prevent the person from participating in the religious activity just because they now been included in the history sheet.

6. However, the learned Government Advocate (Crl.Side) also



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submitted that the petitioner will give necessary undertaking that there will not be any issue of law and order in their activity of installing Vinayagar idol and procession and no unwanted element will be involved in the function and also submitted that if the place near Meenakshi Amman Temple at Kabilar Street is congestive to install the idol, the respondent police may give alternate place for the petitioner's organisation to install the idol and take out the procession.

7. The learned Government Advocate (Crl.Side) in consultation with the respondent police submitted that if the petitioner wants to install the idol at Sevaipettai or Rathinasamy Road, NOC will be granted subject to other conditions laid in G.O.Ms.No.598, dated 09.08.2018.

8. Recording the above submissions made by the learned Government Advocate (Crl.Side), this Writ Petition is disposed of directing the petitioner herein to choose one of the two places mentioned above for installing Vinayagar Idol and on such representation, the police shall issue NOC for the petitioner-organisation to install Vinayagar Idol and take out by way of procession. No costs.



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Index:yes/no

Neutral citation:yes/no

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Note: Issue order copy on 05.09.2024

To:

1.The Assistant Commissioner, Salem Town Circle,
Salem City-636 001.

2.The Inspector of Police (Law and Order), B-2 Sevaipettai Police
Station, Sevaipettai, Salem 636 002.

3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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