



WP(MD)No.707 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.707 of 2024

Thangaraj

... Petitioner

/vs./

1.The Superintendent of Police,

Virudhunagar District,

Virudhunagar.

2.The Inspector of Police,

Watrap Police Station,

Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certioratified Mandamus, to call for the records on the file of the 2nd Respondent in connection with the impugned order of rejection passed by him in Na.Ka.No.03/2023/Va.Ka.A dated 06.01.2024 and to quash the same as illegal and arbitrary and consequently, to direct the Respondents to grant permission and necessary protection to perform the cultural programme with Public Addressing System (Radio Sound System) (ie.) Children Sports Event, Knowledge test and etc., in the event of Pongal festival and new year function at



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W.Puthupatti Village, Watrap Taluk, Virudhunagar District, based on the Petitioner's representation dated 05.01.2024 submitted to the 2nd Respondent in person.

For Petitioner : Mr.M.Pandian
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second Respondent, dated 06.01.2024 and for a consequential direction to direct the Respondents to grant permission and necessary protection to perform the cultural Programme with Public Addressing System (Radio Sound System) (ie.) Children Sports Event, Knowledge test and etc., in the event of Pongal festival and new year function at W.Puthupatti Village, Watrap Taluk, Virudhunagar District, based on the Petitioner's representation dated 05.01.2024.

2.The learned Additional Public Prosecutor takes notice for the Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.



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4. The learned Counsel appearing for the Petitioner would submit that as the cultural program is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this Pongal Festival. He would also submit that the Petitioner is the Treasurer of the organizing committee.

5. The learned Additional Public Prosecutor appearing for the Respondents, on instructions, would submit that based on the judgments of the Hon'ble Division Bench of this Court, the Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, had issued Circular in Rc.No.159539/Crime 4(3)/2018 dated 31.10.2018 and in Rc.No.007301/General-I(I)/2019, dated 09.04.2019. He would also submit that the representation of the Petitioner would be considered based on the aforesaid circular.

6. In view of the submission made by the learned Additional Public Prosecutor and also considering the facts and circumstances of the case, the



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impugned order passed by the second Respondent, dated 06.01.2024 is hereby quashed. A direction is issued to the Respondent concerned to re-consider the representation of the Petitioner dated 05.01.2024 based on the aforesaid circulars appropriately. In case, there are any rival groups for the conduct of the Cultural Programme, the Deputy Superintendent of Police concerned and the Inspector of Police concerned shall report the matter to the Executive Magistrate concerned and the Executive Magistrate shall decide it finally during the Court holidays. The order passed by the Executive Magistrate/ Tahsildar/ Revenue Divisional Officer, as the case may be, is binding on both parties, considering the special circumstances.

The ***Writ Petition*** is disposed of with the above directions. No costs.

12.01.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No.
Ls

Note: Issue Order Copy on 12.01.2024.



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TO:

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Watrap Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

Ls

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