



WP(MD)No.855 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.855 of 2024

R.Kumar

... Petitioner

/vs./

1.The Superintendent of Police

O/o. the Superintendent of Police,  
Theni District.

2.The Inspector of Police

O/o. the Inspector of Police,  
Thevaram Police Station,  
Theni District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the impugned order passed by the 2<sup>nd</sup> Respondent dated 09.01.2024 and consequently, to direct Respondents to grant permission to the Petitioner to conduct the Adal and Padal function scheduled on 15.01.2024 in Arulmigu Sri Pancha Pandavargal Kovil festival at Thevaram, Uthamapalayam Taluk, Theni District.



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For Petitioner : Mr.S.Nihar Ali  
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 2<sup>nd</sup> Respondent dated 09.01.2024 and consequently, to direct Respondents to grant permission to the Petitioner to conduct the Adal and Padal function scheduled on 15.01.2024 in Arulmigu Sri Pancha Pandavargal Kovil festival at Thevaram Uthamapalayam Taluk, Theni District.

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.

3. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.



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4.The learned Counsel appearing for the Petitioner would submit that as the Adal Padal Programme is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this Temple Festival. He would also submit that the Petitioner is the President 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 Circulars 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 and he would further submit that the representation of the Petitioner would be considered based on the aforesaid circulars.

6.In view of the submission made by the learned Additional Public Prosecutor and considering the facts and circumstances of the case, the impugned order passed by the second Respondent, 09.01.2024, is hereby quashed and 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.



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In case, there are any rival groups for the conduct of the Adal Padal 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.

7.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  
O/o. the Superintendent of Police,  
Theni District.
- 2.The Inspector of Police  
O/o. the Inspector of Police,  
Thevaram Police Station,  
Theni District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SATHI KUMAR SUKUMARA KURUP, J.**

**Is**

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