



WP(MD) No.3255 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2024**

CORAM:

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

W.P.(MD) No.3255 of 2024

T.Samipazham

... Petitioner

/vs./

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Deputy Superintendent of Police,
Sathankulam Sub-Division,
Sathankulam,
Thoothukudi District.

3.The Sub-Inspector of Police,
Sathankulam Police Station,
Sathankulam,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third Respondent to grant permission and necessary protection to conduct the 'Kumbabishekam' between 6 a.m., to 6.00 p.m., on 15.02.2024 and 16.02.2024 in Sri Sudalaimadasamy Temple, Semmankudiyiruppu, Karungadal Village, Thoothukudi District by considering the Petitioner's representation dated 27.01.2024.



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For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had preferred representation dated 27.01.2024 to the Respondents, seeking permission and protection to conduct 'Kumbabishekam' between 6 a.m., to 6.00 p.m., on 15.02.2024 and 16.02.2024 in Sri Sudalaimadasamy Temple, Semmankudiyiruppu, Karungadal Village, Thoothukudi District. Since no action was taken, the present petition is filed. He further submitted that the Kumbabishekam festival is to be performed today.

2. The learned Government Advocate (Criminal Side) on instructions of the Respondents would submit that the Petitioner had given a representation through registered post, but had not appeared in person. Immediately after the same, the Petitioner had filed this Writ Petition. He would further submit only when the Petitioner appeared in person, the Respondents will be able to know about the rival group in the village. Only on such consideration, permission will be granted. Therefore, he seeks appearance of the Petitioner before the Respondents.



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3. The learned Counsel for the Petitioner by way of rejoinder submitted that there is no rival claims. He further submitted that previous year also the said festival was performed well, without any rival clashes.

4. In the light of the objections made by the learned Government Advocate (Criminal Side), the Petitioner is directed to appear before the second Respondent by today itself that is on 15.02.2024. If there are rival claims, the Respondents 1 to 3 are directed to refer the subject matter to the Tahsildar, Sathankulam for conducting peace committee meeting, otherwise the Respondents shall consider the representation of the Petitioner with certain conditions.

5. Accordingly, there shall be a direction to the Respondents herein to grant permission to the Petitioner to conduct the Kumbabishekam festival on 15.02.2024 and 16.02.2024 at Sri Sudalaimadasamy Temple, Semmankudiyiruppu, Karungadal Village, Thoothukudi District between **8.00 a.m. and 11.00 p.m.**, subject to the following conditions:

a) The event shall be conducted in an organized and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.



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c) The cultural Program shall be restricted between 8.00 a.m. and 11.00 p.m.

d) If there is any violation of the above said conditions, the Respondents or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the Respondent police to extend protection on some other day after giving due notice to the Petitioner.

f) In case, there are rival applicants for the same function, it is open to the Inspector of Police/concerned police to hear their objections and take a decision in accordance with the order passed by this Court.

g) There shall not be any flex board by mentioning any of the caste or caste leaders.

6. With the above directions, this Writ Petition is disposed of. No costs.

15.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Nsr

Note: Issue Order Copy on 15.02.2024.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.3255 of 2024

Dated:
15.02.2024