



WP(MD) No.6730 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.03.2024**

CORAM:

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

W.P.(MD) No.6730 of 2024

Sivamurugan

... Petitioner

/vs./

1.The Deputy Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
Devaram 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 call for the records pertaining to the impugned proceedings dated 15.03.2024 passed by the second respondent and quash the same and consequently direct the second respondent to grant permission and necessary protection to conduct the cultural program (ie.,) Adal Padal on 03.04.2024 at 07.00 p.m to 10.00 p.m in the evening of Kalamman Thirukovil Thiruvila T.Ovulapuram, Meenatchipuram, Uthamapalayam, Theni District.

For Petitioner : Mr.J.Krishna Kumar

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



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ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition to quash the order dated 15.03.2024, passed by the second respondent and with a consequential direction to the Respondents for granting Permission and necessary protection to conduct the cultural program (ie.,) Adal Padal on 03.04.2024 at 07.00 p.m to 10.00 p.m in the evening of Kalamman Thirukovil Thiruvila T.Ovulapuram, Meenatchipuram, Uthamapalayam, Theni District.

2. It is the further contention of the learned Counsel for the Petitioner that the representation of the Petitioner dated 15.03.2024 was rejected by the second Respondent. Having no other way, the Petitioner approached this Court by way of filing this petition.

3. The learned Government Advocate (Criminal Side) on instructions from the Respondents would submit that the Respondent Police rejected the representation of the Petitioner on the ground that Lok Sabha election has been declared and the election process has been commenced. Also, the place chosen



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to conduct the event is congested one. Therefore, the organizers of the event shall obtain necessary permission regarding cultural event, from the Executive Magistrate of the area concerned, without which the Respondents cannot grant permission. Since the Election Code of Conduct has come into force, it is essential for the Petitioner to get permission from the Executive Magistrate concerned.

4. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), the Petitioner is directed to give a fresh representation by today itself (20.03.2024) before the Tahsildar concerned, since the Executive Magistrate are busy with the election related activities and the Deputy Tahsildar concerned also granted powers during the election time. On receipt of such representation, either the Tahsildar or the Deputy Tahsildar of the area concerned shall pass appropriate orders, considering the right of the Petitioner to hold the event as well as the peaceful atmosphere prevailing in the Village, with regard to the conduct of the cultural program (ie.,) Adal Padal on 03.04.2024 at 07.00 p.m to 10.00 p.m in the evening of Kalamman Thirukovil Thiruvila T.Ovulapuram, Meenatchipuram, Uthamapalayam, Theni District. In the event of granting permission, the



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Petitioner / organizers of the event shall give an undertaking that not to put up any flex boards praising any religious or communal leaders provoking any communal tensions in the programme. It is made clear that the program shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste. The organizers of the event shall give an undertaking to that effect to the Executive Magistrate concerned and also to the Respondents. Also, the Petitioner shall pay appropriate charges as per the circular of the Director General of Police, Tamil Nadu / Head of State Police Force, Tamil Nadu, regarding deployment of Police personnel for Police protection.

5. With the above direction, this Writ Petition is disposed of. No costs.

20.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Nsr

Note: Issue Order Copy on 20.03.2024.



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Devaram Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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Dated:
20.03.2024