



WP(MD) No.6866 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.03.2024**

CORAM:

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

W.P.(MD) No.6866 of 2024

C.Azhagar

... Petitioner

/vs./

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

2.The Sub-Inspector of Police,
Puthanatham Police Station, Puthanatham,
Trichy District.

3.The Thasildar,
Manapparai Taluk,
Trichy District.

4.Chinnaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to provide adequate police protection to conduct the Panguni Festival in Sri Mahamariyamman and Sri Sakthi Vinayagar Temple situated at Pichampatti Village, Manapparai Taluk, Trichy District from 17.03.2024 to 21.03.2024 and 10.04.2024 and 11.04.2024 by considering the petitioner's representation, dated 07.03.2024.



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For Petitioner : Mr.T.Lenin Kumar
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the Respondent Police for granting permission and necessary protection to conduct the Panguni Festival in Sri Mahamariyamman and Sri Sakthi Vinayagar Temple situated at Pichampatti Village, Manapparai Taluk, Trichy District from 17.03.2024 to 21.03.2024 and 10.04.2024 and 11.04.2024, by considering the petitioner's representation, dated 07.03.2024.

2. The learned Government Advocate (Criminal Side) on instructions from the Respondents would submit that there had been rival claims between the parties as to who organize the festival. Therefore, the Peace Committee Meeting was convened by the Tahsildar, Manapparai. Even in the Peace Committee Meeting also, both the parties did not arrive at an amicable settlement. Hence, the Tahsildar concerned refused to grant permission.



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3. Today, when the matter came up for hearing, the learned Counsel for the Petitioner submitted that the Petitioner undertakes to co-operate with the rival parties regarding as to who will organize the events. Since the proceedings of the Tahsildar is made available with the learned Government Advocate, wherein the Tahsildar observed that there was no amicable settlement between the 'A' party and 'B' party, now before this Court, the Petitioner who is shown as 'B' in the proceedings of the Tahsildar undertakes that they are ready to co-operate with the 'A' party.

4. In the light of the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), this Court is inclined to issue following directions:

(i) Based on the undertaking given by each member of the 'A' and 'B' party, the Tahsildar may convene a meeting with regard to organizing the event. After arriving at settlement between the parties, the Tahsildar may impose conditions as per the model code of conduct regarding Lok Sabha elections.

(ii) The Petitioner is directed to give a fresh representation by today itself (21.03.2024) to the Respondent Police as well as to the Tahsildar concerned.



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(iii) On receipt of such representation, the Respondent Police shall consider the same in favour of the Petitioner, as per the circular of the Director General of Police, Tamil Nadu / Head of State Police Force.

(iv) The Tahsildar, Manaparai Taluk, is within his/her powers to impose conditions. The Respondent Police are within their powers to impose restrictions as per the circular of Director General of Police , Tamil Nadu regarding Temple festival and cultural events.

(v) Each of the members of the organizing committee shall give an undertaking that they will abide by the aforesaid circular and also the conditions imposed by the Tahsildar/Executive Magistrate. Since the Election Code of Conduct has come into force, it is essential for the Petitioner to get permission from the Executive Magistrate concerned.

(vi) Considering the present situation, the Petitioner/organizers of the event are directed not to put up any flex boards praising any religious or communal leaders provoking any communal tensions in the programme.

(vii) The organizers of the event shall also engage youth of the village as volunteers to maintain peace during cultural events.

(viii) If there are any violation in the conditions imposed by the official Respondents while granting permission, the official Respondents are within their power to stop the events / programme.



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(ix) Also, the organizers of the event 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.

21.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Nsr

Note: Issue Order Copy on 21.03.2024.

TO:

- 1.The Superintendent of Police,
Trichy,
Trichy District.
- 2.The Sub-Inspector of Police,
Puthanatham Police Station, Puthanatham,
Trichy District.
- 3.The Thasildar,
Manapparai Taluk,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.6866 of 2024

Dated:
21.03.2024