



WP(MD) No.7360 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **25.03.2024**

CORAM:

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

W.P.(MD) No.7360 of 2024

and

W.M.P.(MD).No.6780 of 2024

S.Thensamy

... Petitioner

/vs./

1.The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

3.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

... Respondents

*(R-3 is suo-moto impleaded vide order dated 25.03.2024
in W.P.(MD).No.7360 of 2024)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the impugned order of the second respondent in Na.Ka.No.11/Va.Ka.A/2024 dated 20.03.2024 and quash the same as illegal and consequently directing the respondents to give



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necessary permission to conduct Karakatam on 26.03.2024 and Adal Padal Cultural Programme scheduled to be held on 27.03.2024 in connection with Muthalamman festival, Thambipatti.

For Petitioner : Mr.V.Thirumal

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

ORDER

The learned Counsel for the Petitioner submitted that in the affidavit filed in support of the Writ Petition, the date for conducting Karakatam has been wrongly mentioned as 26.04.2024 and the cultural programme viz., Karakatam is scheduled to be held on 26.03.2024. He seeks this Court to rectify the same.

2. On perusing the records, the submission of the learned Counsel for the Petitioner is accepted and the date of cultural event is corrected as 26.03.2024.

3. The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking to quash the order dated 20.03.2024 and with a consequential direction to the respondents for providing necessary permission to conduct Karakatam on 26.03.2024 and Adal Padal Cultural Programme



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scheduled to be held on 27.03.2024 in connection with Muthalamman festival, Thambipatti.

4. It is the contention of the learned Counsel for the Petitioner that considering the representation of the Petitioner, the Respondents vide order dated 20.03.2024 granted permission permission to conduct festival with some conditions, but refused to grant permission for conducting cultural events viz., Karakatam and Adal Padal programme. Therefore, the Petitioner approached this Court by way of filing this petition.

5. The learned Government Advocate (Criminal Side) appearing for the Respondents would submit that the model code of conduct for the Lok Sabha election had been notified and it is in force and the second Respondent is within his discretion to deny the permission for cultural events. Also, he submits that the Tahsildar, Srivilliputhur, Virudhunagar District is to be impleaded in this case, since the model code of conduct for Lok Sabha election is in force. He would further submit that the Petitioner has to give a fresh representation today itself and on such fresh representation, the Respondents undertake to follow the circular issued by the Director General of Police, Tamil Nadu/Head of State Police Force, Tamil Nadu.



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6. Considering the submission of the learned Government Advocate (Criminal Side), this Court *suo motu* impleads the Tahsildar, Srivilliputhur, Virudhunagar District as 3rd Respondent in this Writ Petition.

7. 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) The Petitioner is directed to give a fresh representation by today itself (25.03.2024) to the Respondent Police as well as to the Tahsildar concerned.*
- (ii) On receipt of such representation, the Respondent Police shall consider the same in favour of the Petitioner, so that the cultural events are to be held with before 10.00 p.m., by following the circular of the Director General of Police, Tamil Nadu / Head of State Police Force.*
- (iii) The Tahsildar concerned 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.*
- (iv) Each of the members of the organizing committee shall give an undertaking*



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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.

(v) 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.

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

(vii) 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.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Nsr

Note: Issue Order Copy on 25.03.2024.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.7360 of 2024

Dated:
25.03.2024