



WP(MD)No.7586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)No.7586 of 2024

M.Uthayakumar

... Petitioner

/vs./

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

2.The Inspector of Police
Palanichettipatti Police Station,
Theni District.

3.The Tahsildar,
Theni District.

... Respondents

(R-3 is suo-moto impleaded vide order dated 26.03.2024

in W.P.(MD).No.7586 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the second Respondent dated 21.03.2024 and quash the same and direct the second Respondent to grant permission and necessary protection to perform the cultural program (i.e) Adal Padal on 28.03.2024 at 07.00 pm to 10.00 pm in the evening of



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Arulmigu Sri Kaliyamman Thirukovi Maha Panguni Utchava Thiruvizha at
Veerapandi, Theni District.

For Petitioner : Mr.J.Krishna Kumar

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

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition, on behalf of the Organizing Committee of the temple festival, seeking to quash the order dated 21.03.2024 and with a consequential direction to the respondents for granting permission and providing police protection to conduct Adal Padal programme scheduled to be held on 28.03.2024 at 07.00 pm to 10.00 pm in the evening of Arulmigu Sri Kaliyamman Thirukovi Maha Panguni Utchava Thiruvizha at Veerapandi, Theni District.

2. The learned Government Advocate (Criminal Side) appearing for the Respondents would submit that the representation of the Petitioner was granted, but the permission for Adal Padal cultural program alone was refused on the ground that the Board Examination for S.S.L.C (10th) and H.S.C.(+2) are going on in State of Tamil Nadu. Considering the Board



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Examination of the Student of S.S.L.C (10th) and H.S.C.(+2), the request of the petitioner, seeking to hold cultural event ie. Adal Padal program was refused.

3. The learned Government Advocate (Criminal Side) appearing for the Respondents would further submit that the model code of conduct for the Lok Sabha election had been notified and it is in force, the permission for conducting cultural event was refused. Also, he submits that the Tahsildar, Theni 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.

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



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5. 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 Tahsildar / Executive Magistrate may convene a meeting today itself with regard to organizing the event and issue appropriate orders. The Tahsildar / Executive Magistrate or Deputy Tahsildar is within his power either to grant permission or reject, if the rival parties do not arrive at a conclusion.

(ii) The second Respondent shall issue summons to the rival groups in the village to attend the peace committee meeting to be held by the Tahsildar, Theni or Deputy Tahsildar, since the election to the Lok Sabha is notified.

(iii) After arriving at settlement between the parties, the Tahsildar may impose conditions as per the model code of conduct regarding Lok Sabha elections.

(iv) The Petitioner is directed to give a fresh representation by today itself (ie.26.03.2024)) to the Respondent Police as well as to the Tahsildar concerned.



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(v) 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.

(vi) 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.

(vii) 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.

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

(ix) 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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6. With the above directions, this ***Writ Petition*** is disposed of. No costs.

26.03.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes/ No
LS

Note: Issue order copy on 26.03.2024.

TO:

- 1.The Deputy Superintendent Of Police,
Theni, Theni District.
- 2.The Inspector of Police
Palanichettipatti Police Station,
Theni District.
- 3.The Tahsildar,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LS

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