



WP(MD)No.7887 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)No.7887 of 2024

and

W.M.P.(MD)No.7176 of 2024

Karuthakkannan.M

... Petitioner

/vs./

1.The Superintendent of Police

Theni District, Theni.

2.The Inspector of Police

Uthamapalayam Police Station,

Theni District.

3.The Thasildar

Uthamapalayam Taluk,

Theni District.

... Respondents

(R-3 is suo-moto impleaded vide order dated 28.03.2024

in W.P.(MD).No.7887 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order dated 18.03.2024 passed by the second Respondent and quash the same and consequently direct the Respondents to grant permission and protection for conducting Adal Padal



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program scheduled to be held on 30.03.2024 at 06.00 pm to 11.00 pm in connection with Thiruvizha at Arulmigu Sri Maha Kaliyamman Thirukovil Kokilapuram village Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.V.Manikandan
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 seeking to quash the order dated 18.03.2024 and with a consequential direction to the Respondents to grant permission and protection for conducting Adal Padal program scheduled to be held on 30.03.2024 at 06.00 pm to 11.00 pm in connection with Thiruvizha at Arulmigu Sri Maha Kaliyamman Thirukovil, Kokilapuram village, Uthamapalayam Taluk, Theni District.

2. The learned Government Advocate (Criminal Side) appearing for the Respondents would submit that the permission for Adal Padal cultural program was refused on the ground that the model code of conduct for the Lok Sabha Election had been notified and it is in force, the permission for conducting cultural events was refused. He would further



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submit that the Petitioner has to give a fresh representation today itself and on such fresh representation, the Respondent Police undertake to follow the circular issued by the Director General of Police, Tamil Nadu/Head of State Police Force, Tamil Nadu.

3. As per the letter addressed by the Chief Electoral Officer and Principal Secretary to Government to all the District Election Officer, Tamil Nadu, in Letter No.2282/Ele.VIII(2)/2024-1, Dated 20.03.2024, the relevant portion reads as follows:-

"2. I am directed to request you to consider grant of permission for non-political contents, based on their request for conducting the dramas / plays, on merits subject to satisfaction of the provisions of Model Code of Conduct and local laws. I am also to state that the MCMC Certificate at District level may be obtained if they conduct the dramas, etc., which are political in nature."

4. The learned Government Advocate (Criminal Side) appearing for the Respondents would further submit that the village, where proposed festival is to be celebrated, is notorious for communal clash and also the model code of conduct for the Lok Sabha election had been



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notified and it is in force, the permission for conducting cultural event was refused. Also, he submits that the Tahsildar, Uthamapalayam Taluk, 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 Respondent Police undertake to follow the circular issued by the Director General of Police, Tamil Nadu/Head of State Police Force, Tamil Nadu.

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

6. 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



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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, Uthamapalaym 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.28.03.2024)) to the Respondent Police as well as to the Tahsildar concerned.

(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



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Petitioner to get permission from the Executive Magistrate concerned.

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(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.

(xi) 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.

6. With the above directions, this **Writ Petition** is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

28.03.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/ No

LS

Note: Issue order copy on 28.03.2024.

Registry is directed to carry out necessary amendment in the cause title.



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SATHI KUMAR SUKUMARA KURUP, J.

LS

TO:

- 1.The Superintendent of Police
Theni District, Theni.
- 2.The Inspector of Police
Uthamapalayam Police Station,
Theni District.
- 3.The Thasildar
Uthamapalayam Taluk,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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