



WP(MD) No.7753 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

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

W.P.(MD) No.7753 of 2024

and

W.M.P.(MD) No.7086 of 2024

K.Asan Kuthus

... Petitioner

/vs./

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
- 3.The Inspector of Police,
Town Police Station,
Srivilliputhur,
Virudhunagar District.
- 4.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

*(R4 has been suo motu impleaded
by this Court vide order dated 26.03.2024)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent herein is Na.Ka.No. 24/Na.Ka.Va/Srivilli/2024, dated 20.03.2024 and quash the same and consequentially direct the Respondents herein to grant necessary permission for conducting exhibition at lands comprised in Patta No.61, comprised in S.No. 411/2A, 411/2B, and 411/2C situated at Madurai - Srivilliputhur main road, opposite to Pattatharasi kovil, North Srivilliputtur village, Srivilliputhur, Virudhunagar District, for period of 24 days in the light of NOC and permission granted authorities, within the time limit fixed by this Court.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this petition seeking Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third Respondent in Na.Ka.No.24/Na.Ka.Va/Srivilli/2024, dated 20.03.2024, to quash the same and to direct the Respondents to grant the permission for conducting exhibition in S.Nos.411/2A, 411/2B, and 411/2C at Madurai - Srivilliputhur main road,



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opposite to Pattatharasi kovil, North Srivilliputtur village, Srivilliputhur, Virudhunagar District for a period of 24 days.

2.It is the contention of the learned Counsel for the Petitioner that the representation of the Petitioner dated 20.03.2024 was rejected by the Respondents on the ground that model code of conduct is in force as well as the place of the exhibition is adjoining the Madurai-Srivilliputhur National Highway.

3.The learned Government Advocate (Crl.side), on instructions of the Respondents, would submit that considering the present model code of conduct, the Petitioner's representation was rejected. Further, it is his submission that if the Petitioner is permitted to hold the exhibition in the place that they have chosen now, it will give raise to traffic congestion on the national highway passing through Madurai. Therefore, he submits that the Petitioner may be directed to choose an alternative site, where the traffic congestion may not be possible. The Tahsildar, Srivilliputhur, Virudhunagar District is *suo motu* impleaded as fourth Respondent in this petition.



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4.In the light of the submission made by both the parties, the Petitioner is directed to give fresh representation by 27.03.2024 to the Respondents. On receipt of such representation, the Respondents are directed to consider the request of the Petitioner, considering the present model code of conduct for the elections as well as the circular of the Director General of Police, Head of State Police Force, Tamil Nadu, Chennai-4, issued in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 regarding hosting events, sports, cultural events, festivals etc., The conditions may be imposed on the Organizers of the exhibition.

5.The Organizers of the exhibition shall enlist the youth of the village as volunteers to maintain peace and to assist the police personnel on duty as security. Each of the members of the Organizing Committee shall give written undertaking that they will not violate the model code of conduct during the election time. Also, they shall not display flex board or play songs in praise of caste, community, political leaders provoking the breach of peace during this model code of conduct. If there is any violation of conditions, the fourth Respondent as Executive Magistrate or the Deputy Tahsildar available in the Headquarters shall



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forthwith stop the programme. The Respondents are empowered to stop the event in the event of violation of the conditions imposed by them.

With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

26.03.2024

Index : Yes / No
Internet : Yes / No
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Note : Issue order copy on 27.03.2024

TO:

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
- 3.The Inspector of Police,
Town Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
W.P.(MD)No.7753 of 2024

Dated:
26.03.2024