



W.P.(MD).No.11205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.05.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

W.P.(MD).No.11205 of 2024

T.Balamurugan

... Petitioner

Vs

1.The Superintendent of Police
O/o.Superintendent of Police,
Sivagangai.

2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Thirupaththur,
Sivagangai District.

3.The Inspector of Police
Ulagampatti Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent No.3 in proceedings No.05 of 2024 dated 08.05.2024 and quash the same as illegal and consequently direct the respondents to grant permission to conduct temple festival in Arulmigu Shree Selva Vinayagar and Vellaiyaar Thirukovil festival function and other Cultural programs along with “Adal



W.P.(MD).No.11205 of 2024

and Padal” program which will be held on 23.05.2024 at about 7.00 to 12.00 P.M. in the Temple Hall situated opposite to the Arulmigu Shree Selva Vinayagar and Vellaiyaar Thirukovil at Servaikkaranpatti, Kilavayal Post, Singampunari Taluk, Sivagangai District and to give necessary police protection to the said temple functions.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Writ Petition is filed challenging the impugned order dated 08.05.2024 passed by the third respondent rejecting the petitioner's request for grant of permission to conduct Adal Padal programme on 23.05.2024 at about 7.00 to 12.00 P.M. in the Temple Hall situated opposite to the Arulmigu Shree Selva Vinayagar and Vellaiyaar Thirukovil at Servaikkaranpatti, Kilavayal Post, Singampunari Taluk, Sivagangai District and to give necessary police protection to the said temple functions.

2. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, who takes notice on behalf of the respondents, on instructions,



W.P.(MD).No.11205 of 2024

submits that since the code of conduct is in force due to the ensuing lok sabha election, the petitioner will have to give a fresh representation to the Assistant Returning Officer, Sivagangai with regard to the request made by him for conducting the Adal Padal programme.

3. The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to approach the Assistant Returning Officer, Sivagangai to enable the petitioner to get permission for conducting the Adal Padal programme.

4. No prejudice will be caused to any other parties, if the petitioner is allowed to give a fresh representation to the Assistant Returning Officer, Sivagangai seeking permission to conduct the Adal Padal programme during the temple festival on 23.05.2024 and the Assistant Returning Officer, Sivagangai is directed to consider the said representation on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the rival claimants, if any, within a time frame to be fixed by this Court.



W.P.(MD).No.11205 of 2024

5. For the foregoing reasons, this Writ Petition is disposed of by directing the petitioner to give a fresh representation to the Assistant Returning Officer, Sivagangai requesting permission to conduct Adal Padal programme on 23.05.2024 on the eve of Arulmigu Shree Selva Vinayagar and Vellaiyaar Thirukovil at Servaikkaranpatti, Kilavayal Post, Singampunari Taluk, Sivagangai District, within a period of three (3) days from the date of receipt of a copy of this order. On receipt of the said representation, the Assistant Returning Officer, Sivagangai is directed to consider the same and pass final orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the rival claimants, if any, in the light of the directions issued by the Division Bench of this Court on **24.05.2023 in W.P.(MD).No.12535 of 2023** in the case of ***C.Sathasivam Vs. The Superintendent of Police, Trichy and another***, within a period of three (3) days thereafter. There shall be no order as to costs.

16.05.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

RM

Note: Issue order copy by 17.05.2024.



W.P.(MD).No.11205 of 2024

To

WEB COPY

- 1.The Superintendent of Police
O/o.Superintendent of Police,
Sivagangai.
- 2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Thirupaththur,
Sivagangai District.
- 3.The Inspector of Police
Ulagampatti Police Station,
Sivagangai District.
- 4.The Assistant Election Officer,
Sivagangai
Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD).No.11205 of 2024

P.VADAMALAI, J.

RM

ORDER IN
W.P.(MD).No.11205 of 2024

16.05.2024