



W.P(MD)No.11226 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2024

CORAM :

THE HON'BLE MR.JUSTICE P. VADAMALAI

W.P(MD)No.11226 of 2024
and WMP(MD) No.9988 of 2024

M.Somasundaram

... Petitioner

Vs

1. The Assistant Election Officer / Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2. The Deputy Superintendent Of Police,
Sivagangai, Sivagangai District.

3. The Inspector of Police,
Town Police Station, Sivagangai,
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 calling for the records pertaining to the rejection order in 18/BIPS/SVG/2024 dated 01.05.2024 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant permission and protection for conducting Adal Padal Program scheduled to be held on 19.05.2024 at 6.00 pm to 10.00 pm in connection with Thiruvizha at Arulmigu Shri Sivashakthi Vinayagar Thirukovil at



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T.Pudur, Sivagangai Taluk, Sivagangai District.

For Petitioner : Mr. V.Manikandan

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

ORDER

This Writ Petition has been filed challenging the rejection order in 18/BIPS/SVG/2024, dated 01.05.2024 passed by the 3rd respondent and consequently direct the respondents to grant permission and protection for conducting Adal Padal Program scheduled to be held on 19.05.2024 at 6.00 pm to 10.00 pm in connection with Thiruvizha at Arulmigu Shri Sivashakthi Vinayagar Thirukovil at T.Pudur, Sivagangai Taluk, Sivagangai District.

2. The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to re-schedule the programme to another date.

3. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, who takes notice on behalf of the respondents, on instructions, submits that since the code of conduct is in force due to the



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ensuing Lok Sabha Election, the petitioner will have to give a fresh representation to the first respondent/Assistant Election Officer / third respondent, as the case may be, with regard to the request made by him for the conduct of the Adal Padal programme.

4. No prejudice would be caused to any of the parties, if the petitioner is allowed to give a fresh representation to the third respondent seeking permission to conduct Adal Padal programme at Arulmigu Shri Sivashakthi Vinayagar Thirukovil at T.Pudur, Sivagangai Taluk, Sivagangai District, on different date than the one mentioned in the prayer of the Writ Petition and the third respondent 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.

5. For the foregoing reasons, this Writ Petition is disposed of by directing the petitioner to give a fresh representation to the third respondent requesting permission to conduct Adal Padal programme at Arulmigu Shri Sivashakthi Vinayagar Thirukovil at T.Pudur, Sivagangai Taluk, Sivagangai District on a particular date and time within a period



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of three (3) days from the date of receipt of a copy of this order. On receipt of the said representation, the third respondent 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. Consequently, connected miscellaneous petition is closed.

16.05.2024

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

Note: Issue order copy on 17.05.2024

PNM



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To

1. The Assistant Election Officer / Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2. The Deputy Superintendent Of Police,
Sivagangai, Sivagangai District.

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

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. VADAMALAI, J.

PNM

ORDER IN
W.P(MD)No.11226 of 2024
and WMP(MD) No.9988 of 2024

16.05.2024