



W.P.(MD)No.21202 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.21202 of 2024

and

W.M.P(MD)No.17959 of 2024

V.Muthukumar

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Tenkasi, Tenkasi District.

2.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.

3.The Inspector of Police,
Tenkasi Police Station,
Tenkasi 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 of the impugned order in Na.ka.No. 12/General/Se.Mu.A/The.Oo/2024, dated 31.08.2024 passed by the second respondent and quash the same as illegal and consequently, direct the respondents to give permission to conduct Vinayagar Sathurthi festival scheduled in front of the Arulmigy Subramania swamy Temple situated at Maliyan Street, Tenkasi as stated in the representation of the petitioner, dated 23.08.2024 given to the respondents.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Civil Side),
for R1.

: Mr.Veerakathiravan,
Additional Advocate General,
asst.by Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor,
for R2 & R3.

ORDER

This Writ Petition is directed against the impugned order in Na.ka.No.12/General/Se.Mu.A/The.Oo/2024, dated 31.08.2024 passed by the second respondent and quash the same as illegal and consequently, direct the respondents to give permission to conduct Vinayagar Sathurthi festival scheduled in front of the Arulmigy Subramania swamy Temple situated at Maliyan Street, Tenkasi as stated in the representation of the petitioner, dated 23.08.2024 given to the respondents.

2. Mr.M.Muthumanikkam, learned Government Advocate (Civil Side) takes notice for the first respondent and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the



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respondents 2 and 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is not in dispute that the second respondent has passed the impugned order, dated 31.08.2024, rejecting the petitioner's representation mainly on the ground that the petitioner has claimed permission for the first time and that they have granted permission for conducting Vinayagar Chathurthi celebration in so many places.

4. When the matter is taken up for hearing today, the learned Additional Advocate General has raised serious objections mainly on the ground that permission was granted for the Vinayagar Chathurthi celebration in the nearby places and that the petitioner has not conducted the festival earlier.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner may be permitted to install the Vinayagar idol inside the Arulmigy Subramania swamy Temple situated at Maliyan Street, Tenkasi and they may be permitted to take Vinayagar statue without procession on the date and route to be fixed by the respondent Police for immersion and he has also filed an affidavit in that regard.



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6. The affidavit filed by the petitioner is recorded. Considering the above facts and circumstances of the case and taking note of the affidavit filed by the petitioner, the respondents 2 and 3 are directed to grant permission to the writ petitioner to install Vinayagar idol inside the Arulmigu Subramania swamy Temple situated at Maliyan Street, Tenkasi by imposing necessary conditions and also subject to the following conditions :

(a) There should not be any kind of obscene dance or vulgar dialogues during the festival, by anyone of the participants;

(b) No dance or songs, touching upon any political party or religion, community or caste be played;

(c) No flex boards in support of any political party or religious leader be erected;

(d) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(e) If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such festival;



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(f) the participants of the festival shall not intake any kind of toxic substance or liquor during the festival;

(g) If there is any untoward incident took place, the writ petitioner and the organizers of the festival may be made responsible for the same; and

(h) The organizers shall not cause any hindrance to general public or transport in any manner.

The respondents 2 and 3 are directed to issue necessary permission and protection for ensuring the peaceful event. The petitioner is directed to take the Vinayagar Idol in the vehicle without procession on the date and route to be fixed by the respondents for immersion.

7. With the above direction, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

06.09.2024

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

Note : Issue order copy on 06.09.2024



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To

- 1.The Revenue Divisional Officer,
Tenkasi, Tenkasi District.
- 2.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.
- 3.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

das

Order made in
W.P.(MD)No.21202 of 2024
and
W.M.P(MD)No.17959 of 2024

Dated : 06.09.2024