



W.P(MD)No.21271 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.21271 of 2024

and

W.M.P(MD)No.17998 of 2024

M.Mariappan

...Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi.

2.The Sub Inspector of Police,
Alvarkurichi 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 pertaining to the proceeding of the third respondent by his impugned order, dated 31.08.2024 in Na.Ka.No.03/Se.Mu.Aa/Vi Sa Vi/H7 Ps/2024 and quash the same consequently, direct the third respondent to grant permission for installation of big Vinayagar idol on 07.09.2024 in the premises of Arulmighu Thiruneelakanda Vinayagar Kovil, Alvarkurichi, Tenkasi Taluk, Tenkasi District and also to grant



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permission for immerse the big vinayagar idol on 08.09.2024 in Papanasam river in Tenkasi District.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Civil Side),
for R2.

: Mr.Veerakathiravan,
Additional Advocate General,
asst.by Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor,
for R1 & R3.

ORDER

This Writ Petition is directed against the impugned order, dated 31.08.2024 in Na.Ka.No.03/Se.Mu.Aa/Vi Sa Vi/H7 Ps/2024 and consequently, direct the third respondent to grant permission for installation of big Vinayagar idol on 07.09.2024 in the premises of Arulmighu Thiruneelakanda Vinayagar Kovil, Alvarkurichi, Tenkasi Taluk, Tenkasi District and also to grant permission for immerse the big Vinayagar idol on 08.09.2024 in Papanasam river in Tenkasi District.

2. Mr.M.Muthumanikkam, learned Government Advocate (Civil Side) takes notice for the second respondent and Mr.E.Antony Sahaya



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Prabahar, learned Additional Public Prosecutor takes notice for the respondents 1 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 third respondent has passed the impugned order, dated 31.08.2024, rejecting the petitioner's representation mainly on the ground that the authorities have decided to give permission to the people, who had installed the Vinayagar Idol and celebrated the festival in the previous years.

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 premises of Arulmighu Thiruneelakanda Vinayagar Kovil, Alvarkurichi, Tenkasi Taluk, Tenkasi District and that they may be



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permitted to take Vinayagar statue without procession on the date and route to be fixed by the third respondent Police for immersion and he has also filed an affidavit in that regard.

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 and also taking note of the submissions made by the learned Additional Advocate General, the third respondent is directed to grant permission to the writ petitioner to install Vinayagar idol on the occasion of Vinayagar festival on 07.09.2024 inside premises of Arulmighu Thiruneelakanda Vinayagar Kovil, Alvarkurichi, Tenkasi Taluk, Tenkasi District 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;



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(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;

(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 third respondent is 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.



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WEB COPY 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

To

- 1.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi.
- 3.The Sub Inspector of Police,
Alvarkurichi 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.21271 of 2024
and
W.M.P(MD)No.17998 of 2024

Dated : 06.09.2024