



W.P.(MD)No.30858 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.30858 of 2024

T.Justus
Vice President
Mankadu Christian Association
No.4/80, Nagamuttam St
Mankadu Post
Killiyoor Taluk
Kanyakumari District

...Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police Office
Nagercoil, Kanyakumari District

2. The Inspector of Police
Nithiravilai Police Station
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to give the permission to celebrate the same function as per the direction of W.P.(MD).No. 31116 of 2023 dated 22.12.2023 for the 7th Annual. This time we need a Mic and two speaker box, since giving gifts to the poor people in their locality that is to be held in compounded wall.



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For Petitioner : Mr.Punitha Deva Kumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The Writ Petition has been filed to direct the second respondent to second respondent to give the permission to celebrate the same function as per the direction of W.P.(MD).No. 31116 of 2023 dated 22.12.2023 for the 7th Annual. This time we need a Mic and two speaker box, since giving gifts to the poor people in their locality that is to be held in compounded wall.

2. The petitioner Vice President of Mankadu Christian Association who is doing social and religious service in the area for the past seven years is conducting welfare and community service every year on the eve of Christmas. This year he intends to conduct christmas day celebration on 21.12.2024 and 22.12.2024 at the same venue as held in the previous year. The petitioner gave an application on 09.12.2024 but till date no orders have been passed on the request of the petitioner. It is



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the fundamental right of the petitioner and every member of the society to have gathering and also celebrate their festival in any manner they wish. Here in this case the festival is primarily to distribute sweets and presents to the general public to show inclusiveness in the festival. During last year since the same continues no orders have been passed on the petitioner's request. One Rajesh filed a Writ Petition before this Court in W.P(MD) No.30586 of 2023, wherein the petitioner herein was arrayed a fifth respondent and this Court by an order dated 22.12.2023 allowed the petition directing the petitioner to do only charitable activities to be conducted along with the conditions of the revenue authorities and also peace committee meeting was convened. Thereafter the function was conducted in a grand manner participation with one and all in the society, on similar condition this year also the permission may be granted.

3. The learned Additional Public Prosecutor submitted that during previous year also festival was celebrated pursuant to the order passed by this Court in W.P(MD) No. 30586 of 2023. The Sub Collector, Padmanabhapuram has issued Na.Ka.No.A2/8146 of 2024 dated



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11.12.2023. and directed the Deputy Superintendent of Police, Colachel to oversee the security arrangement and conduct the temple festival. This year also on the similar lines the police can permit the petitioner to conduct the festival but not any religious activities, with a limited use of microphone and speakers and not causing any disturbance to others they can conduct festival.

4. The learned counsel appearing for the petitioner on instructions submitted the petitioner is ready to conduct the function on 22.12.2024 from 10.00 am., to 01.00 p.m.,

5. Recording the same, the petitioner is directed to conduct the festival on 22.12.2024 from 10.00 am., to 01.00 p.m., and the Deputy Superintendent of Police, Marthandam to form a special team and provide adequate security ensure that the petitioner conduct the festival in consensus with their charitable activity and not relating to any religious functions as per previous year



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6. With the above direction, the Writ Petition stands disposed of.

No costs.

20.12.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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Note: Issue order copy on 20.12.2024

To

1. The Superintendent of Police
Office of the Superintendent of Police Office
Nagercoil, Kanyakumari District
2. The Deputy Superintendent of Police
Marthandam
3. The Inspector of Police
Nithiravilai Police Station
Kanyakumari District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M. NIRMAL KUMAR, J

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