



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.2368 of 2025

and

W.M.P.(MD)No.1669 of 2025

Murugesan

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Srivaikuntam Sub-Division,
Thoothukudi District.

3.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.05/Kaa.Thu.K.-Thiruvai/2025 dated 22.01.2025 by the second respondent and quash the same as illegal and consequentially directing the respondent to grant permission and protection for cultural dance program in Adal Padal on 29.01.2025 at about 07.00 p.m., to 10.00 p.m., of Arulmigu Sri Mutharamman Kovil situated at Puliyangulam Village, Karunulam Post, Srivaikuntam Taluk, Thoothukudi District.



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W.P.(MD)No.2368 of 2025



For Petitioner : Mr.D.Rajaboopathy
For R1 to R3 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner has filed this writ petition challenging the order passed by the second respondent thereby rejecting the request of the petitioner to conduct cultural dance program on 29.01.2025 at Arulmighu Sri Mutharamman Kovil at Pulaiyangulam Village, Karungulam Post, Srivaikuntam Taluk, Thoothukudi District.

2.The petitioner is the resident of Puliyangulam Village, Srivaikuntam Taluk. The petitioner made a representation dated 21.01.2025 seeking permission and protection to conduct the dance programme scheduled to be held on 29.01.2025 between 07.00 p.m and 10.00 p.m., as a part of the temple festival before the second respondent. However, the second respondent without giving any opportunity to the petitioner had rejected the representation of the petitioner by order dated 22.01.2025.

3.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, submits that there is a likelihood of law and order issue and already the cases in C.S.R.Nos.420, 430 and 481 of 2024 and Crime No.291 and 295 of 2024 are pending before the



respondent police station between groups of the petitioner's village.

Hence, the permission sought by the petitioner was rejected.

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4.The learned counsel for the petitioner submitted that is only a mere apprehension of the respondent police. Earlier, the respondent rejected the request for conducting kabadi tournament to be held in the village of the petitioner. One Muthuraja, resident of the petitioner's village had filed a writ petition before this Court in W.P.(MD)No.27343 of 2024 and this Court by an order dated 15.11.2024 had permitted the petitioner therein to conduct the kabadi tournament. Accordingly, the tournament was held from 15.11.2024 to 17.11.2024 in a peaceful manner and the villagers of the petitioners participated in the tournament and cheered the ground. Hence, the apprehension of the petitioner is unwarranted.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6.In this case, the second respondent apprehends that there could be breakage of law and order and hence, refused to grant permission to the petitioner to conduct the dance programme. Earlier, the order of the second respondent rejecting the permission for conducting kabadi



tournament on the apprehension as expressed by the second respondent was set aside by this Court and the kabadi tournament was conducted in a peaceful manner and no adverse incident had taken place and there was total harmony in the village.

7.In view of the above, this Court is of the view that the apprehension of the respondent police seems to be over-reactive to the ground reality. Accordingly, the order passed by the second respondent rejecting the request of the petitioner to conduct dance programme is hereby set aside.

8.It is brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai had issued a circular memorandum in Rc.007301/Genl.I (1)/2019 dated 09.04.2019 along with instructions to the Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting programme. Therefore, in view of the detailed circular and guidelines issued by the Director General of Police, the writ petitioner is directed to file an undertaking affidavit incorporating the date and time of the program before the second respondent and on such filing, the second respondent is hereby directed to grant permission imposing necessary conditions based on the above said circular.



9.The writ petition is disposed of with the above directions.

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Consequently, connected miscellaneous petition is closed.

28.01.2025

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 29.01.2025

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Srivaikuntam Sub-Division,
Thoothukudi District.
- 3.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi 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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