



W.P(MD)No.4634 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.4634 of 2025

and

W.M.P(MD)No.3333 of 2025

Syed Raja

... Petitioner

Vs

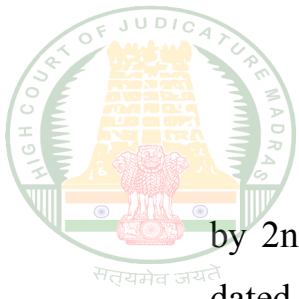
**1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.**

**2. The Assistant Commissioner Of Police,
Thiruparankundram Range,
Madurai City,
Madurai.**

**3. The Inspector of Police,
Thiruparankundram Town Police Station,
Madurai City,
Madurai.**

... 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 entire relevant records related to the impugned order passed



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by 2nd respondent in Na.Ka. No.11/Mugaam/Kaa.U.AA/L and O/2025, dated 16.02.2025 and quash the same as illegal, consequently direct the respondents to permit the petitioner's Jamath to conduct procession and demonstration relating to Dargah of Mahan Sikkanthar Sulthan Badusha Oliyullah which is scheduled to be held on 20.02.2025 at about 4.00 pm from Thiruparankundram Sannathi Street to Thiruparankundram Bus Stand with police protection within a stipulated time that may be fixed by this Honble Cou

For Petitioner : Mr.M.Paramasivam,

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the second respondent in Na.Ka.No. 11/Mugaam/Kaa.U.AA/L and O/2025, dated 16.02.2025 and consequently to direct the respondents to permit the petitioner's Jamath to conduct procession and demonstration relating to Dargah of Mahan Sikkanthar Sulthan Badusha Oliyullah which is scheduled to be held on



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20.02.2025 at about 4.00 pm from Thiruparankundram Sannathi Street to

Thiruparankundram Bus Stand with police protection

2.The learned Counsel for the petitioner would submit that he is the Vice President of Adh Dhakvaa Muslim Jamath, Therkuvasal, Madurai. They used to conduct prayers in Dargah of Mahan Sikkanthar Sulthan Badusha Oliyullah situated at Thiruparankundram Hills. People belonging to other religion have also use to visit the Dharka often. While so, some of the political party have tried to disturb the worship rights and tried to get political leverage by using this issue. Therefore, a peaceful demonstration and procession relating to said issue is decided to be conducted on 20.02.2025. Therefore, the petitioner sent a representation to the respondents dated 15.02.2025 for peaceful demonstration and procession and the same was rejected by the second respondent through order, dated 16.02.2025 in Na.Ka.No. 11/Mugaam/Kaa.U.AA/L and O/2025. The order passed by the second respondent is against the fundamental rights guaranteed under the Constitution of India. Therefore, the impugned order passed by the second respondent is liable to be set aside.



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3.The learned Additional Public Prosecutor appearing for the respondent police would submit that already there is a tension prevailing in the locality due to dispute between two religion people. Now, the petitioner wants to conduct procession near the temple and thereby, cause disturbance to the public and also will create law and order issue and the said place is also very busy area. Already so many writ petitions have been filed and the same are pending. Considering the circumstances prevailing in the locality, the second respondent has refused to grant permission. Therefore, there is no illegality in the impugned order passed by the second respondent. Moreover, this Court has already dismissed the petition filed seeking permission to conduct procession in W.P(MD)No.4732 of 2025, dated 14.02.2025. He would further submit that forty cases have been registered as against various persons, in respect of Thiruparankundram temple matter. The averments in the petition itself shows the intention of the petitioner to create law and order issue. Therefore, he strongly opposed to allow this petition.

4.Heard both sides and perused the records.

5.The petitioner has filed this petition challenging the order passed



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by the second respondent rejecting the petitioner's request for granting permission to conduct procession on 20.02.2025 at about 04.00 p.m from Thiruparankundram Sannathi Street to Thiruparankundram Bus Stand. Though the learned Counsel for the petitioner stated that they will make peaceful demonstration and procession and the same is their constitutional right, the said right is subject to reasonable restrictions and already there is a tension prevailing over the locality and this petitioner also in paragraph No.5 of the affidavit stated that:

"5. I humbly submit that, the Dargah of Mahan Sikkanthar Sulthan Badusha Oliyullah was built in the 17th and 18th centuries to honor the last Madurai Sultan, Sikander Shah, who was killed there in 1377. From the date of built, the people belong to the Muslim religion has conducted their prayers by following their practice. It is pertinent to note that, even people belong to other religion has visited the Dargah often. In this circumstances, some political parties have tried to disturb our worship rights in Dargah of Mahan Sikkanthar Sulthan Badusha Oliyullah in Thiruparankundram hills at Madurai and tried to get political leverage by using this issue. Therefore, on behalf of our jamath decided to make a peaceful demonstration and procession relating to the said issue 20.02.2025, at about 4.00PM from Thiruparankundram Sannathi Street to Thiruparanmkundram Bus stand in Madurai as constitutional Rights.

6. Therefore, the petitioner wants to demonstrate procession



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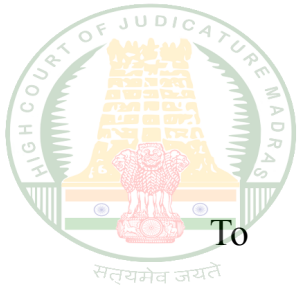
relating to the issue of the political parties who tried to disturb the worship rights. While so the intention to conduct procession is against some political party and now in the Thiruparankundram area there is a tension prevailing in that area . Therefore, this Court is of the view that the present procession certainly will affect the law and order. Moreover, the place selected for the procession is a busy area. Therefore, considering the larger interest of the public, the second respondent has rightly declined to grant permission. This Court, in the order dated 14.02.2025 in W.P(MD)No.4732 of 2025, declined to grant permission considering the present situation prevailing in the locality. In view of the said reasons, there is no warrant to interfere with the order passed by the second respondent.

7. With the above observation, this Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

20.02.2025

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

LR



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To

WEB COPY

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Madurai Bench of Madras High Court,
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P.DHANABAL, J.

LR

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