



W.P.(MD) No.22489 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.22489 of 2023

M.R.Udhaya @ Udhayakumar

... Petitioner

/vs./

1.The Superintendent of Police,
Sivagangai,
Sivagangai District.

2.The Deputy Superintendent of Police,
Law and Order,
Sivagangai District.

3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permit the petitioner



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to conduct Vinayaka Chaturthi processions on 22.09.2023 and consequently, direct the respondents to grant necessary protection based on the petitioner's representation dated 04.09.2023.

For Petitioner : Mr.N.Anandha Padmanabhan for
M/S.Law Associates

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a mandamus directing the respondents police to grant the permission and protection to conduct Vinayagar Sathurthi at 11 places on 22.09.2023 near Sivan Kovil, Sivagangai and to immerse the said idols through a procession on 22.09.2023.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the President of the Town Committee of Bhartiya Janata Party, Sivagangai Town and every year they conduct Vinayagar Chaturthi in a grand manner and the said festival is being celebrated since many years. The petitioner's party decided

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to conduct the festival on 22.09.2023 near Sivan Kovil, Sivagangai by installing idols at 11 various places mentioned in the petition and after offering pooja for five days all the idols will be taken as a procession on 22.09.2023 by taking en route to Aranmanai Vasal, Nehru Bajar, Nelmandi Street, Maduraimukku, Thirupathoor Road and finally to Theppakulam and immerse all the idols on 22.03.2023 in the river bed.

3.The petitioner filed a representation dated 04.09.2023 to the third respondent police for permission and for providing protection for performing pooja for five days and for taking the procession through the route for immersion in the specified place thereby to give permission has not been granted so far thereby sought for suitable directions are sought for.

4. Heard both sides and perused the record.

5. Mr.N.Anandha Padmanabhan, learned Senior Counsel submitted that the police have granted permission for installing the Lord Vinayagar idols and for taking the procession for immersion of idols on 22.09.2023. It is submitted



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further that though the petitioner sought for permission to take an immersion of idol through 11 streets, however the police granted permission to take the procession through 9 streets and not granted permission for taking the procession through 2 streets. Thereby sought for direction to the respondents police to permit the petitioner to take out a procession through Raja Radha Veedhi.

6. According to learned Senior Counsel, Raja Radha Veedhi is the street through which the temple chariot/radham is being taken out every year by way of procession. during festival season. The petitioner has filed pictures to show that the temple chariot/radham is being taken out as a procession through the Raja Radha Veedhi. He further submitted that the reason mentioned by the police in rejecting the permission for taking the procession through Raja Radha Veedhi is that it is a narrow street and it is submitted that since the other festival processions are being allowed through the Raja Radha Veedhi thereby the contention of the respondent police that the Raja Radha Veedhi is narrow and congested are factually incorrect and therefore, sought for a direction to permit him to take out a procession in the said street.



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7. Learned Government Advocate (Crl. Side) has strongly opposed by submitting that the police have liberally granted permissions for installation and for taking the idols by way of procession for immersion on 22.09.2023 through 9 streets barring 2 streets including Raja Radha Veedhi. It is submitted further that the said street is not only a narrow street but there is a mosque in the said street and thereby in case if any of the members of the petitioner's organization raise any slogans or indulged in any unlawful activities while passing the procession in front of the mosque, it may likely to create dispute between the two communities and may break the law and order problem.

8. All the streets in the town and villages are the properties of people belonging to all religious faiths. The procession of any religion or religious festivals shall not pass through from one particular street on the ground that the members of other group/caste/religion are raising objections. In the case on hand, nobody has raised objection for taking the procession of the idol for immersion on 22.09.2023 from the Raja Radha Veedhi thereby in normal course the permission could have been granted to the petitioner as well to take out procession in the said street. However merely because the street belongs to people

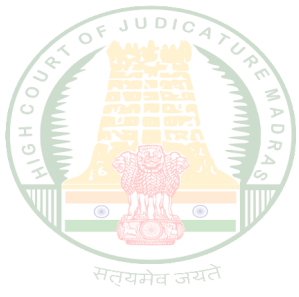


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of all religion, it does not mean that the religious procession shall be permitted through the Raja Radha Veedhi in spite of the apprehension of the police that law and order situation may likely to collapse or affect in case if the procession is allowed to be passed through the said street. Police have been liberally granting permission through out the State wherever requests have made for installation and procession of idols by various social and cultural religious organizations. Only in certain cases mostly when the installation of idol and procession are being initiated and motivated by the political parties, the procession is being restricted. Basically the police have no right to direct anybody not to celebrate any festival; not to install the idols and not to take a procession for the purpose of immersion. However, the problem arises under the guise of installation of idols and under the guise taking out the procession for immersion of idols if the politics or religious issues comes in then the whole sanctity of the installation of idol and taking out of procession get affected.

9. The police may be have some intelligence. When the police have been liberally granting permission for installation of idol and taking out processions, when the police have permitted to install the idol and permitted the procession to



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be taken out 9 streets except 2 streets, I do not find any reason as to why the petitioner has been insisting specifically to direct the police to permit them to take the procession through Raja Radha Veedhi.

10. It is also brought to the notice of this Court by learned Government Advocate that in the recent past, police have not permitted to take out procession through the Raja Radha Veedhi. It is not the case of the petitioner organization that the police have been discriminating the petitioner by permitting other religious/political/social groups to take idol through the said street and refusing him to grant the same to the petitioner.

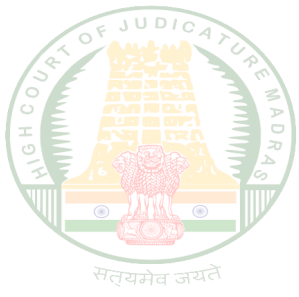
11. Accordingly, this writ petition is disposed of directing the police to provide suitable protection in respect of installation of Vinayagar idol and taking out procession of idol for immersion through 9 streets only as per the permission already granted by the police except through Raja Radha Veedhi and another street. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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Note : Issue order copy on 15.09.2023

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DR.D.NAGARJUN, J.

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