
(2015) 06 MAD CK 0385

In the Madras High Court

Case No : Writ Petition (MD) No. 9256 of 2015 and M.P.(MD) No. 1 of 2015

Kari Sampath

APPELLANT

Vs

The District Collector, Sivagangai District and Others

RESPONDENT

Date of Decision : 09-06-2015

Acts Referred:

Citation : (2015) 06 MAD CK 0385

Hon'ble Judges : R. Mahadevan, J

Bench : Single Bench

Advocate : Veera Kathiravan, for the Appellant; K. Chellapandian, Additional Advocate General assisted by M. Murugan, Govt. Advocate, Advocates for the Respondent

Final Decision : Disposed off

Judgement

R. Mahadevan, J—This writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the fourth respondent in Na. Ka. No. 106/10 C2 PS/SVG/15, dated 08.06.2015 and quash the same insofar as imposing unreasonable restrictions of limiting the participants and denial of speaker permission and consequently, direct the respondents herein to permit the petitioner to conduct the 214 years" old Martyr Day celebration of the Freedom Fighter Valukku Veli Ambalam in Kathapattu Chokkanathapuram Village, Sivagangai District, as per the customary practice with the police protection and speaker permission.

2. Mr. K. Chellapandian, learned Additional Advocate General, appeared for Mr. M. Murugan, learned Government Advocate who takes notice for the respondents.

3. By consent of both sides, the main writ petition itself is taken up for final hearing at the stage of admission itself.

4. The case of the petitioner is that he is organizing a function called "Martyr Day celebration of the freedom fighter", namely, "Valukku Veli Ambalam" of Bahaneri Nadu at Sivagangai District and the villagers in and around Bahaneri have been

celebrating the Martyr Day on 10th June of every year and in order to celebrate the same for this year, the fourth respondent, while granting permission, has imposed several restrictions, aggrieved by which, the petitioner is before this Court.

5. Mr. Veera Kathiravan, learned Counsel for the petitioner made the following submissions:

(i) Every year, the villagers in and around Bahaneri have been celebrating the Martyr Day in fond remembrance of the freedom fighter -"Valukku Veli Ambalam" in memory of his braveness and his participation in freedom fighting;

(ii) The fourth respondent has imposed several restrictions to be complied with by the petitioner during the celebrations, which, according to the petitioner, would deprive the very purport of the villagers;

(iii) If the conditions imposed by the fourth respondent are followed, the entire villagers in and around Bahaneri will be put to hardship as their rights to pay homage to a freedom fighter would be prejudiced;

(iv) The restriction imposed regarding the outsiders as 50 in number, would affect the very core of the celebrations that are going to be taken place on 10.06.2015;

(v) If any other reasonable conditions/restrictions are imposed by the police authorities, the petitioner would strictly adhere to the same for want of public tranquility and peace.

(vi) Accordingly, the learned Counsel for the petitioner prayed for quashing the impugned order and for granting permission to conduct the Martyr Day celebrations in a peaceful manner.

6. Mr. K. Chellapandian, learned Additional Advocate General, assisted by Mr. M. Murugan, learned Government Advocate appearing for the respondents, has supported the impugned order passed by the fourth respondent and further, advanced his submissions as under:

(i) For the first time, the petitioner is seeking permission from the police authorities to conduct the Martyr Day in remembrance of the freedom fighter, namely, "Valukku Veli Ambalam" and for all these long years, no such permission has been sought for conducting such "Gurupooja";

(ii) The impugned order has been passed by the fourth respondent, imposing the reasonable conditions to be adhered to by the petitioner during such celebrations, so as to ensure that there is no law and order problem at that time;

(iii) If any of the conditions imposed by the fourth respondent is relaxed, then, definitely, there would be serious threat to the general public, for the members who are intended to attend the celebration would be more than that of the permitted limit and therefore, it would be difficult for the police authorities to

maintain law and order situation in a proper manner;

(iv) There could be no restrictions for the villagers concerned to attend the celebrations and pay homage to the freedom fighter and the only apprehension that weighed in the mind of the police authorities, is that if the outsiders are permitted without any restrictions, it would lead to law and order problem, affecting the public tranquility;"

(v) The fourth respondent has passed the impugned order as per the order passed by this Court in K.V. Muthuramalingam v. The Superintendent of Police, Ramanathapuram District and others [Crl.O.P. (MD) No. 16165 of 2014, decided on 28.08.2014] and hence, the petitioner would be in no way prejudiced by such imposition of conditions.

7. He, therefore, submitted that the celebration of Martyr Day was not prohibited as a whole, but, it has been permitted subject to certain conditions as per the orders of this Court, in the interest of the general public in and around the said villages and hence, prayed for passing appropriate orders.

8. This Court has carefully considered the submissions made by the learned Counsel for the petitioner as well as the learned Additional Advocate General, assisted by the learned Government Advocate appearing for the respondents.

9. No doubt, the very object of celebrating the Martyr Day in fond remembrance of the freedom fighter known as "Valukku Veli Ambalam" by the villagers in and around Bahaneri, has not been completely shut down by the fourth respondent by passing the impugned order, however, it has been permitted subject to certain conditions, aggrieved by which, the petitioner has approached this Court with the present writ petition.

10. This Court, in an earlier occasion, has dealt with the similar issue and framed certain guidelines to be strictly followed during the celebrations of "Gurupoojas" in (i) S. Sivakumar Vs. The State of Tamilnadu and Other, (2013) 5 CTC 695 : (2013) 7 MLJ 395 and (ii) K.V. Muthuramalingam v. The Superintendent of Police, Ramanathapuram District and others [Crl.O.P. (MD) No. 16165 of 2014, decided on 28.08.2014].

11. A careful reading of the aforesaid decisions of this Court would amply make it clear that nothing is important than that of the interest of the general public and at no point of time, the public peace and tranquility be allowed to be derailed by any of the untoward incidents, during the celebration, such as, gurupoojas, etc. Hence, this Court is of the firm view that any conditions imposed by the authorities in public interest cannot be termed as unreasonable and therefore, this Court finds that the order impugned in the present writ petition, warrants no interference.

12. At this juncture, the learned Counsel for the petitioner submitted that all the general public of the villages mentioned in the invitation may be permitted to attend the celebrations and that the petitioner is prepared to give the list of

persons who are intended to attend the celebrations, to the police authorities for making necessary arrangements and prayed for suitable directions to the authorities concerned for celebrating the function on 10.06.2015 in a peaceful manner.

13. In response to the same, the learned Additional Advocate General assisted by the learned Government Advocate appearing for the respondents, on instructions, submitted that there is no restriction at all for the villagers concerned to participate in the celebrations and that the petitioner has to strictly follow the conditions imposed by this Court scrupulously and that they have to render their assistance to maintain the law and order situation during such celebrations. The said submissions are placed on record.

14. Considering the nature of the relief sought for by the petitioner and also taking into account the rival submissions, this Court is of the view that the petitioner can be granted permission to celebrate the function on 10.06.2015, subject to the following conditions:

(i) The celebrations shall be restricted between 10.00 a.m. and 01.00 p.m., on 10.06.2015;

(ii) There is no restriction for all the villagers/general public of the villages mentioned in the invitation to participate in the celebrations;

(iii) The petitioner is directed to give the list of persons, those who are intended to participate in the celebrations, as outsiders, which, shall not be beyond 50 in number, to the police authorities well in advance, before 06.00 p.m., today, i.e. 09.06.2015;

(iv) No speakers or stage performances are permitted during such celebrations;"

(v) No private hired vehicles are permitted to be used at the time of participants entering into the place of honour;

(vi) All the other conditions imposed by this Court in K.V. Muthuramalingam v. The Superintendent of Police, Ramanathapuram District and others [CrI.O.P. (MD) No. 16165 of 2014, decided on 28.08.2014], shall be followed by the petitioner strictly/scrupulously, to ensure that no untoward incidents happen during such celebration.

(vii) The police authorities are directed to take all necessary steps to maintain the law and order situation and peace, during the celebration on 10.06.2015, by deploying adequate police force;

(viii) The police authorities are directed to ensure that the celebration is taken place between 10.00 a.m., and 01.00 p.m., on 10.06.2015; and

(ix) It is made clear that there is no impediment for the police authorities to take appropriate action/stringent action, against anybody who is indulging in untoward incidents and anti-social activities during the said celebration.

15. With the above directions, this writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.