

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

WP(MD)No.433 of 2021 &
WMP(MD)Nos.359, 360 & 362 of 2021

M.Thangaraj (Ex.MC) Petitioner

vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Deputy Inspector General of Police,
Incharge of Superintendant of Police,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District, Dindigul.
- 4.The Deputy Superintendant of Police,
Dindigul.
- 5.The Tahsildar,
Dindigul West Taluk,
Dindigul.
- 6.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul. Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for the records in ROC.No. 100/2020/C2 dated 28.12.2020 and quash the same.

For Petitioner :Mr.Lakshmi Shankar

For Respondents :Mr.R.Saravana Kumar,
Government Advocate (Criminal Side)

ORDER

The present petition is filed by one M.Thangaraj, Ex.MC, resident of Dindigul District seeking for a writ of certiorari calling for the records in ROC.No.100/2020/C2 dated 28.12.2020 on the file of the first respondent and quash the same.

2. The contention of the petitioner is that he is a devotee of Arulmigu Padmagirishwhara Swamy and Arulmigu Abirami Ambigai at Dindigul District. His further contention is that the first respondent vide his proceedings in ROC.No.100/2020/C2 dated 28.12.2020 prohibited the entire public from gathering more than five in number outside the temple with effect from 06.00 pm on 28.12.2020 in order to prevent the conduct of procession around the temple. According to him, the general public

including him follow the ritual of taking a procession around the temple ("Girivalam") for the past 20 years and that the police is preventing them from doing so. He therefore, prayed for allowing the general public to participate in the ritual "Girivalam".

3. Mr.R.Saravana Kumar, learned Government Advocate (Criminal Side) accepts notice for the respondents.

4. The sixth respondent in his counter stated that as per the intelligence report, members from Hindu Religions Organization, Hindu Munnani and Hindu Makkal Katchi have joined the procession ("Girivalam"). They were also carrying banners, placards, mike sets, chanting slogans and beating drums. This has been objected to by another Section of people belonging to Islam, who claim that the Rock Fort is their religious site, where they conduct Namaz and Prayers and at the same time, the Hindu Makkal Katchi and other Hindu outfits are planning to lit lamps atop the hills. The situation was therefore controlled by deploying nearly 600 police personals.

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5. A perusal of the counter filed by the sixth respondent shows that the devotees of Arulmigu Lord Shiva are following the ritual "Girivalam". All the Religious processions should spread positivity and brotherhood and in no manner should be a cause for any communal disturbance. This applies for all religions and this Court expects every individual to believe in unity in diversity and communal harmony.

6. As it can be observed that the ritual of "Girivalam" has been followed by the Hindus amongst the general public for the last ten years, I do not find any reason as to why the general public should be prohibited from taking part in the procession especially when the impugned order dated 28.12.2020 does not prohibit the general public from participating in "Girivalam". However, keeping in mind the Covid-19 protocol as well as law and order into consideration, it should be ensured that the procession is peaceful without any provocative slogans or any other gestures.

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7. With the above observations, this petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

18.01.2021

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Index : Yes/No
Internet: Yes
Speaking/Non-Speaking order

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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- 3.The Revenue Divisional Officer,
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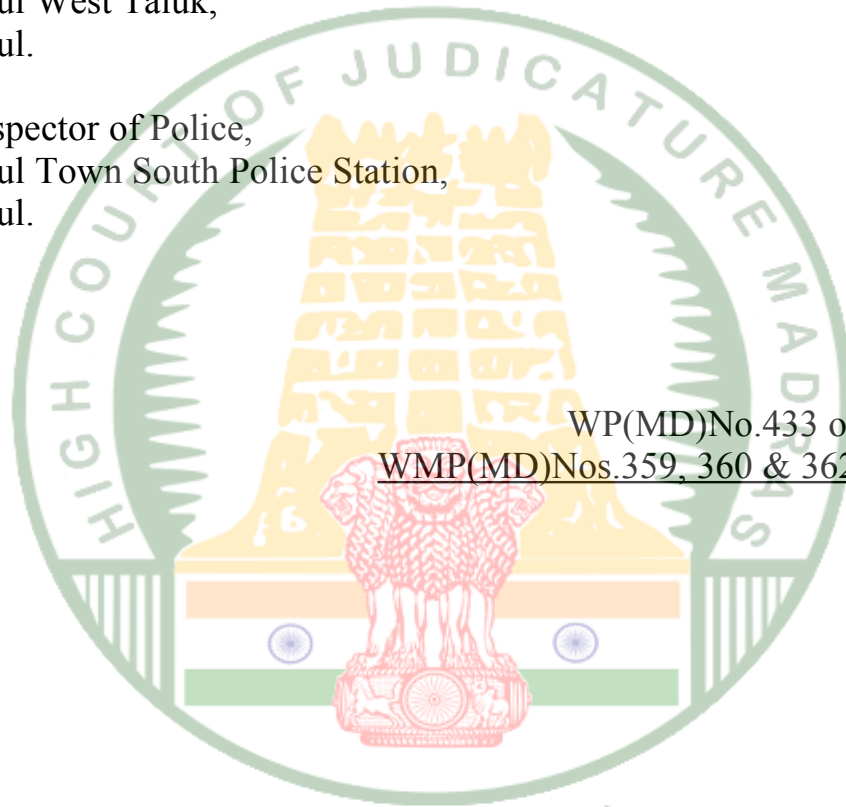
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R.HEMALATHA, J.

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