



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.01.2015
CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

WEB COPY

W.P. (MD) No. 1003 of 2015
and
M.P. No. 1 of 2015

G. Ponrajan : Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Achanpudur Circle, Tirunelveli District.

3. The Sub-Inspector of Police,
Elathur Police Station,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in his proceedings "Nil", dated 21.01.2015 and quash the same as illegal, consequently directing the second respondent to permit the petitioner to use Chenda Melam during the temple festival of Arulmighu Sri Kulasekara Amman Temple, Nainaragaram Village, Tenkasi Taluk, Tirunelveli District, on 03.02.2015 between 07.00 AM and 08.00 PM.

For Petitioner : Mr. D. Venkatesh

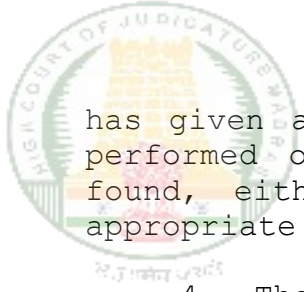
For Respondents : Mr. R. Karthikeyan
Additional Government Pleader

O R D E R

Mr. R. Karthikeyan, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. Challenge in this Writ Petition is to the order dated 21.01.2015, rejecting the request of the petitioner to use Chenda Melam during the temple festival of Arulmighu Sri Kulasekara Amman Temple, Nainaragaram Village, Tenkasi Taluk, Tirunelveli District and imposing certain other conditions to conduct the temple festival.

3. Today, when the Writ Petition is taken up for admission, the learned counsel appearing for the petitioner would submit that the conditions imposed by the second respondent in the impugned order will be duly complied with, except the condition No. 7, restricting not to use "Chenda Melam". However, the learned counsel appearing for the petitioner



has given an undertaking before this Court that "Chenda Melam" will be performed only in front of the temple and if there is any violation found, either in the form of dancing or song, the police may take appropriate action.

4. The learned Additional Government Pleader appearing for the respondents, in addition to the conditions imposed in the impugned order, one more condition, viz., the procession should not touch the National Highway - 208, at any place, may be imposed, for the smooth conduct of the temple festival of Arulmighu Sri Kulasekara Amman Temple, Nainaragaram Village, Tenkasi Taluk, Tirunelveli District.

5. The learned counsel appearing for the petitioner would undertake that the procession would not touch the National Highway - 208, at any place.

6. The said submissions made by the learned counsel on either side are placed on record.

7. In view of the above, the Writ Petition is disposed of, modifying the condition No.7 alone to the extent that Chenda Melam" will be performed only in front of the temple and not in the procession and if there is any violation found, it is for the police authorities to take appropriate action and arrest such persons, who are all found dancing and proceed further in accordance with law. In addition to the above, one more condition, the procession shall not touch the National Highway - 208, at any place, is imposed for the smooth conduct of the temple festival. In all other aspects, the conditions imposed in the impugned order shall stand unaltered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Achanpudur Circle, Tirunelveli District.

3.The Sub-Inspector of Police,
Elathur Police Station,
Tirunelveli District.

+1 CC TO M/S.D.VENKATESH, ADVOCATE SR.NO.3876

ORDER MADE IN
W.P. (MD) No.1003 of 2015
DATED - 29.01.2015