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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.10121 of 2015

Chelladurai

... Petitioner

Vs.

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

2. The Inspector of Police,
Courtalam Police Station,
Tirunelveli.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order of the second respondent dated 14.06.2015 and quash the same and consequently direct the second respondent to grant permission and police protection to perform cultural Innichai Katcheri program scheduled to be held on 05.07.2015 pursuant "Temple Kodai Vizha" at Arulmighu Sriman Narayanasamy, Pathirakaliamman Thirukovil at Muthumalaipuram Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner	: Mr.B.Baskaran
For Respondents	: Mr.R.Karthikeyan Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the rejection order of the second respondent dated 14.06.2015 and quash the same and consequently direct the second respondent to grant permission and police protection to perform cultural Innichai Katcheri program scheduled to be held on 05.07.2015 pursuant "Temple Kodai Vizha" at Arulmighu Sriman Narayanasamy, Pathirakaliamman Thirukovil at Muthumalaipuram Village, Tenkasi Taluk, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. Learned counsel for the petitioner would submit that the petitioner is the member of Vizha Committee of "Arulmighu Sriman Narayanasamy, Pathirakaliamman Thirukovil" at Muthumalaipuram Village, Tenkasi Taluk, Tirunelveli District and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the temple festival, "Cultural Innichai Katcheri programme" on 05.07.2015. In this connection, a representation was given on 13.06.2015 to the second respondent, with a request to grant permission to conduct "Cultural Innichai Katcheri Programme". The second respondent has passed impugned order rejecting the petitioner's request and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner by the Villagers, there will be no untoward incident by the people of the village.

4. The only objection raised is that if permission is granted, it would likely lead to law and order problem. It is for the second respondent to impose any condition to maintain law and order problem. It is not as if there was any prior untoward occurrence in the conduct of the programme.

5. Accordingly, the impugned order is set aside and the Writ Petition is allowed and the petitioner is permitted to conduct 'Cultural Innichai Katcheri Programme' in connection with the "Temple Kodai Vizha" of Arulmighu Sriman Narayanasamy, Pathirakaliamman Thirukovil at Muthumalaipuram Village, Tenkasi Taluk, Tirunelveli District, however, with the following conditions:-

(a) The "Cultural Innichai Katcheri Programme" Programme in connection with "Temple Kodai Vizha" of Arulmighu Sriman Narayanasamy, Pathirakaliamman Thirukovil at Muthumalaipuram Village, Tenkasi Taluk, Tirunelveli District, be held on 05.07.2015 between 06.00p.m and 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste be played.

(e) No flex boards in support of any political party or communal leader be erected.

(f) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is any violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary



action, as per law and stop such performance; and

(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

(i) The second respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

Sd/-

Assistant Registrar

\\True copy\\

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Courtalam Police Station,
Tirunelveli.

+1cc to Mr.M.S.Jeyakarthick, Advocate Sr.No.32600

+1cc to The Spl.Govt.Pleader, Sr.No.32633

pmu

akm/26.06.2015/3p-5c/

W.P(MD)No.10121 of 2015
22.06.2015