



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 7.9.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

W.P. (MD) No.16198 of 2015

M.Chellappa

... Petitioner

Vs.

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

2.The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant permission to perform the "Innisai Paattu Kutchery" i.e., musical orchestra as part of the temple function celebrations at "Arulmighu. Sivananaintha Perumal Sastha Thirukovil" situated at Nettur Road, Kuruvankottai, Alangulam Taluk, Tirunelveli District scheduled to be held on 15th October, 2015 from 7.00 pm to 11.30 pm and to provide adequate police protection.

For Petitioner : Mr.S.P.Maharajan

For Respondents : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondents herein to grant permission to perform the "Innisai Paattu Kutchery" i.e., musical orchestra as part of the temple function celebrations at "Arulmighu. Sivananaintha Perumal Sastha Thirukovil" situated at Nettur Road, Kuruvankottai, Alangulam Taluk, Tirunelveli District scheduled to be held on 15th October, 2015 from 7.00 pm to 11.30 pm and to provide adequate police protection.

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

3.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the said festival of "Arulmighu. Sivananaintha Perumal Sastha Thirukovil", with "Innisai Paattu Kutchery" on 15.10.2015. In this connection, a representation was given to the respondents police, with a request to grant permission to conduct the programme on the above said date, however, the respondents Police have not



considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the said festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

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4.The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

5.Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct ""Innisai Paattu Kutichery"" in connection with the above said festival.

6. Accordingly, the Writ Petition is disposed of with the following directions:

(a)The "Innisai Paattu Kutichery" in connection with "Arulmighu. Sivananaintha Perumal Sastha Thirukovil" be held on 15.10.2015 between 7.30 p.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 the youth

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

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

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

(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 empowered to stop the dance programme, if it exceeds beyond the permitted time.

(i)the participants of the programme shall not intake any kind of toxic substance or liquor during the programme;

(j)If there is any untoward incident took place, the village people and the organizers of the programme be made responsible for the same;

(k)The respondent concerned is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar



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

2.The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras
High Court, Madurai.

+1cc to M/S.S.P.Maharajan, Advocate in SR.No 52260

+1cc to Special Government Pleader in SR.No.52442.

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