



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P (MD) No.16738 of 2015

S.Senthil : Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Usilampatti Police Station,
Madurai District. : Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the second respondent to grant permission and provide adequate police protection for the procession of Vinayagar Chathurthi Festival scheduled to be commenced on 17.9.2015 to 19.9.2015.

For Petitioner : Mr.N.Satheesh Kumar

For Respondents : Mr.N.Manoharan
Special Government Pleader

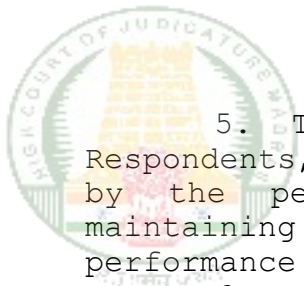
O R D E R

Mr.N.Manoharan, learned Special Government Pleader, takes notice for the Respondents. By consent, the Writ Petition itself is taken up for final disposal.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the Respondents.

3. The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the second respondent to grant permission and provide adequate police protection for the procession of Vinayagar Chathurthi Festival scheduled to be commenced on 17.9.2015 to 19.9.2015.

4.The learned counsel appearing for the Petitioner would submit that Vinayagar Chathurthi festival is being conducted by the villagers every year. In this connection, a representation was given to the Respondents seeking permission and police protection, but, however, the same was not considered by the Respondents so far and hence, the Petitioner is before this Court with this Writ Petition. The learned counsel appearing for the Petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.



5. The learned Special 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 festival.

6. Accordingly, the Writ Petition is disposed of, directing the respondents to grant permission and police protection to conduct Vinayagar Chathurthi festival on 17.09.2015 and 19.09.2015. However, such festival should be conducted in the following manner:

(b) There should not be any kind of obscene dance or vulgar dialogues during the festival, 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 caste 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 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 festival;

(h) Similarly, the Police is empowered to stop the festival, if it exceeds beyond the permitted time.

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

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

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

No order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Usilampatti Police Station,
Madurai District.

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

+1CC to Mr. R. Ragavendran, Advocate, SR.No. 54321