



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.5624 of 2015

WEB COPY

P.Marutharaj

... Petitioner

Vs

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

2.The Inspector of Police,
Somarasampettai Police Station,
Trichy 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 and protection for cultural event namely Karagattam scheduled to be held on 19.04.2015 at 09.00 p.m to 04.00 a.m in connection with Poochorithal Festival at Arulmigu Sri Muthumariamman at Somasrasampettai Village, Srirengam Taluk, Trichy District and pass such further or other orders.

For Petitioner : Mr.C.Shanmugasundaram

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents to grant permission and protection for cultural event namely Karagattam scheduled to be held on 19.04.2015 at 09.00 p.m to 04.00 a.m in connection with Poochorithal Festival at Arulmigu Sri Muthumariamman at Somasrasampettai Village, Srirengam Taluk, Trichy District.

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

3. The learned counsel appearing for the petitioner would submit that the petitioner is the member of the vizha committee of Arulmigu Sri Muthumariamman at Somarasampettai Village, Srirengam Taluk, Trichy District and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with "Karagattam" on 19.04.2015. In this connection, a representation was given on 12.04.2015 to the respondent police, with a request to grant permission to conduct "Karagattam" on 19.04.2015, however no order was passed by the respondents on the said representation and hence the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that the 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 on behalf of the respondents is that already permission was granted for Karagattam by some other person.

5. This cannot be a ground to reject the request made, merely because, permission is granted to somebody else for the same and that it will create law and order problem and accordingly, the Writ Petition is disposed of with the following directions:

(a) The cultural programme in connection with temple Festival in connection with Poochorithal Festival at Arulmigu Sri Muthumariammanan at Somasrasampettai Village, Srirengam Taluk, Trichy District be held on 19.04.2015 and so far as the time for cultural programme/Karagattam is concerned, it is for the second respondent to fix the same.

(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(CO)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Somasrasampettai Police Station,
Trichy District.

+1cc to Mr.C.Shanmugasundaram,Advocate, SR.No.18881

W.P(MD)No.5624 of 2015
16.04.2015

ps

PA/17.04.2015/2P/4C (IT)