



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 28.04.2015  
CORAM

**THE HONOURABLE MR. JUSTICE M.M. SUNDRESH**

WEB COPY

W.P. (MD) No. 6920 of 2015

C. Pooradan

... Petitioner

Vs.

1. The Superintendent of Police,  
Kanyakumari At Nagercoil.

2. Inspector of Police,  
Nitharavillai Police Station,  
Kanyakumari

... Respondents

Prayer: Petition 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 conduct festival on 23.05.2015 and 24.05.2015 at 7.00 p.m and give adequate police protection in connection with the Temple of Arulmigu Sri Siva Shakthi Koil Kalvettankuzhi Nambazi (PO) Kanyakumari District and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

|                 |                          |
|-----------------|--------------------------|
| For Petitioner  | ... Mr.D.Anbarasu        |
| For Respondents | ... Mr.R.Karthikeyan     |
|                 | Addl. Government Pleader |

### ORDER

The writ petition has been filed praying this Court for issuance of a Writ of Mandamus directing the respondents to grant permission to conduct festival on 23.05.2015 and 24.05.2015 at 7.00 p.m and give adequate police protection in connection with the Temple of Arulmigu Sri Siva Shakthi Koil Kalvettankuzhi Nambazi (PO) Kanyakumari District.

2. By consent, the writ petition itself is taken up for final disposal.

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

4. In the affidavit, it has been stated that the Petitioner is a resident of Kalvettankuzhi, Nambazi (PO), Nitharavillai (PO), Kanyakumari District and he is the Secretary of Temple Festival Committee and every year the villagers used to celebrate Thiruvizha in the Tamil month of Vaikasi. In this year also, the villagers have decided to celebrate the said festival on 23.5.2015 to 24.5.2015. Along with other poojas, the villagers have decided to play cultural programmes on 23.5.2015 and 24.05.2015. In this connection, a representation was given on 6.4.2015 to the respondent police, with a request to grant permission to conduct "Adal Padal Programme" on 23.5.2015 and 24.05.2015, 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 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.

5. The only objection raised by Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents is that there is a Church nearby and this can be the only factor to impose proper conditions. He 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. It is open to the respondent police to impose any other condition, if they so desire.

6. 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 "Adal Padal programme" in connection with the temple festival of Arulmigu Sri Siva Shakthi Koil Kalvettankuzhi Nambazi (PO) Kanyakumari District.

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

(a) The cultural programme in connection with temple Festival on the eve of Temple of Arulmigu Sri Siva Shakthi Koil Kalvettankuzhi Nambazi (PO) Kanyakumari District, be held on 23.05.2015 and 24.05.2015 between 06.00 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 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(AS)

\\True copy\\



To

1. The Superintendent of Police,  
Kanyakumari At Nagercoil.

2. Inspector of Police,  
Nitharavillai Police Station,  
Kanyakumari

+1cc to M/S.D.ANBARAU, ADVOCATE SR.NO.23655

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