



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2015

CORAM:

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THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.6984 of 2015

C.Murugesan

... Petitioner

Vs.

1.The Commissioner of Police,
Commissioner Office,
Palayamkottai,
Tirunelveli District.

2.The Inspector of Police,
Pettai Police Station,
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 and adequate police protection for conducting the Poojas and related functions Karakattam and Gramiya Kalai from 30.04.2015 to 2.5.2015 at 9.00 p.m to 3.00 a.m at Arulmigu Kombu Madasamy Kovil situated at Cheranmahadevi Road, Pettai, Tiruenvlei District in connection with the Kodai Vizha by considering the representation of the petitioner dated 14.04.2015 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.C.Herold Singh

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 adequate police protection for conducting the Pooja and related functions Karakattam and Gramiya Kalai from 30.04.2015 to 02.5.2015 at 9.00 p.m to 3.00 a.m at Arulmigu Kombu Madasamy Kovil situated at Cheranmahadevi Road, Pettai, Tiruenvlei District in connection with the Kodai Vizha by considering the representation of the petitioner dated 14.04.2015.

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 Kombu Madasamy Kovil situated at Cheranmahadevi Road, Pettai, Tiruenvlei 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 30.04.2015 to 02.05.2015. In this connection, a representation was given on 14.04.2015 to the respondent police, with a request to grant permission to conduct "Karagattam" on 30.04.2015 to 02.05.2015, 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.

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 at Arulmigu Kombu Madasamy Kovil situated at Cheranmahadevi Road, Pettai, Tiruenvlei District be held on 30.04.2015 to 02.05.2015 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



To

1.The Commissioner of Police,
Commissioner Office,
Palayamkottai,
Tirunelveli District.

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

+1cc to M/S.S.C.Herold Singh, Advocate in SR.No.22935

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28.04.2015