



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P (MD) No.8040 of 2015

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K.Ramakrishnan

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli.
2. The Deputy Superintendent of Police,
Tenkasi Circle, Tirunelveli District.
3. The Sub-Inspector of Police,
Sambavar Vadakarai Police Station,
Tirunelveli District.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the notification bearing Notification No.31, dated 30.04.2015, on the file of the third respondent and to quash the same as far as rejecting the request for performing Chenda melam and Orchestra is concerned and direct the respondents to permit the petitioner to perform Nadeswaram and Melathalam at the time of procession of "Chapram" on each of the "Vaikasi Visaka Perunthiruvizha" festival day after 10.30 p.m. and direct the respondent to permit the petitioner to perform "Chenda Melam and Drums" at the time of Car Festival in front of the Car and further direct the respondent to permit Orchestra on 29.05.2015 to 02.06.2015 at Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District.

For Petitioner

: Mr.B.Saravanan

For Respondents

: Mr.R.Raja Karthikeyan
Additional Government Pleader
assisted by
Mr.A.P.Balasubramani
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed seeking for issuance of writ of Certiorarified Mandamus, to call for the notification bearing Notification No.31, dated 30.04.2015, on the file of the third respondent and to quash the same as far as rejecting the request for performing Chenda melam and Orchestra is concerned and direct the respondents to permit the petitioner to perform Nadeswaram and Melathalam at the time of procession of "Chapram" on each of the "Vaikasi Visaka Perunthiruvizha" festival day after 10.30 p.m. and direct the respondent to permit the petitioner to perform "Chenda Melam and Drums"



at the time of Car Festival in front of the Car and further direct the respondent to permit Orchestra on 29.05.2015 to 02.06.2015 at Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District.

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2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials on record.

3. Learned counsel for the petitioner would submit that the petitioner is the resident of the Sambavar Vadakarai Village and every year "Vaikasi Visaka Perunthiruvizha" festival of Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District is being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with "Chenda Melam and Drums" at the time of Car Festival in front of the Car and Orchestra on 29.05.2015 to 02.06.2015 at Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District. In this connection, a representation has been given to the respondents, with a request to grant permission to perform "Chenda Melam and Drums" at the time of Car Festival in front of the Car and Orchestra on 29.05.2015 to 02.06.2015 at Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District. However, an order dated 30.04.2015 has been passed by the third respondent 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. Mr. R. Raja Karthikeyan, 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. Further, it is also brought to the information of this Court that already the Hon'ble Division Bench in W.P.No.4831 of 2015 in the case of *Muthupandi Vs. Deputy Superintendent of Police, Madurai District, Madurai* by order dated 01.04.2015 has granted permission for conducting cultural programme relating to the temple festival with conditions and also in W.P.(MD)No.6207 of 2015 by order dated 23.04.2015 in the case of *Karuppaiya Vs. Superintendent of Police, Pudukottai District* and in the case of *Saravanan Vs. Superintendent of Police, Dindigul District* in W.P.No.9305 of 2014 by order dated 16.06.2014, this Court has passed an order granting permission for the cultural event with conditions.



Accordingly, it has been requested that appropriate orders may be passed in the present case also following the above said judgments of this Court.

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 the impugned order dated 30.04.2015 passed by the third respondent is set aside and necessary permission shall be granted to the petitioner and his villagers to perform "Chenda Melam and Drums" at the time of Car Festival in front of the Car and Orchestra on 29.05.2015 to 02.06.2015 at Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District between 6.00 p.m. and 10.30 p.m., however, with the following conditions.

7. Accordingly, the writ petition is disposed of with the following directions:-

(a) The "Chenda Melam and Drums" at the time of Car Festival in front of the Car and Orchestra on 29.05.2015 to 02.06.2015 at Arulmigu Shri Ramasamy Thirukovil, Sambavar Vadakarai, Tenkasi Taluk, Tirunelveli District to be held on 29.05.2015 to 02.06.2015 between 6.00 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) The cultural programme should be celebrated in a lawful and peaceful manner, and also with decency.

(h) The entire cultural programme should be celebrated without any obscenity or vulgarity, when the said cultural programme is performed in the public.

(i) 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

(j) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

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

No order as to costs.

Sd/-
Assistant Registrar/VO

\\True copy\\

Sub Assistant Registrar

20.05.2015

ssl/nbj

Note : Issue copy on 22.05.2015

To

1. The Superintendent of Police,
Tirunelveli.
2. The Deputy Superintendent of Police,
Tenkasi Circle, Tirunelveli District.
3. The Sub-Inspector of Police,
Sambavar Vadakarai Police Station,
Tirunelveli District.

1CC TO MR. KR. LAKSHMANAN SR 25815

1CC TO SPL GOVT PLEADER SR 26091

DM

W.P (MD) No.8040 of 2015