



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18202 of 2016

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P.Arunasala Nadar

...Petitioner

vs.

1.The Deputy Superintendent of Police,
Kadayanallur,
Tirunelveli District.

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to grant permission to conduct the Kodai Vizha Festival as well as other programmes and also to conduct the Innisai Katcheri on 28.09.2016 and 29.9.2016 (two days) and also to conduct drama on 01.10.2016 and other programme and the temples namely Sri Mariyamman and Kaliyamman Temples at Kadayalurutti Serndamaram Via Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.P.Subbaraj

For Respondent : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, to direct the 2nd respondent grant permission to conduct the Kodai Vizha Festival as well as other programmes and also to conduct the Innisai Katcheri on 28.09.2016 and 29.9.2016 (two days) and also to conduct drama on 01.10.2016 and other programme and the temples namely Sri Mariyamman and Kaliyamman Temples at Kadayalurutti Serndamaram Via Sankarankovil Taluk, Tirunelveli District.

2.Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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

4.The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the respondent, but, however, the same was not considered 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 on account of this celebration.



5. The learned Government Advocate appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

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6. Accordingly, in view of the submission made by the learned Government Advocate, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct 'innisai katcheri' function during the Kodai Vizha Festival of Sri Mariyamman and Kaliyamman Temples at Kadayalurutti Serndamaram Via Sankarankovil Taluk, Tirunelveli District, scheduled to be held on 28.09.2016 and 29.9.2016 (two days), between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

- (a) Songs conveying obscene double meaning should not be played;
- (b) No songs touching upon the conduct of any political party or community or caste be played;
- (c) No flex boards in support of any political party or religious leader be erected;
- (d) The programme shall be conducted without showing any discrimination based on caste/community etc., and it shall be ensured that it is towards promoting communal harmony;
- (e) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;
- (f) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance. No costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Deputy Superintendent of Police, Kadayanallur,
Tirunelveli District.

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

+1cc to M/s.P.Subbaraj, Advocate in SR.54841

+1cc to the Special Government Pleader, in SR.54976

W.P(MD) No.18202 of 2016
22.09.2016

pjl

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