

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.07.2017
CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR
W.P.(MD) No. 12419 of 2017

S.Chellapandian

... Petitioner

-vs-

1. The Superintendent of Police,
Tirunelveli District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to grant permission to the petitioner's village temple festival for conducting "Innisai Kacheri" at the evening hours on 07.07.2017 at about 8.pm to 12.am in Arulmighu Sri Petchiamman Temple, Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.S.R.M.Kumaresh.
For Respondents : Mr.T.S.Mohamad Mohideen,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Mandamus seeking a direction to the respondents to grant permission and protection for "Innisai Kacheri" program in completion of festival in Arulmighu Sri Petchiamman Temple, Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District, held on 07.07.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct Innisai Kacheri programme on 07.07.2017 in connection with a festival of Arulmighu Sri Petchiamman Temple, Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District. He would further submit that in this connection, a representation was given to the second respondent on 28.06.2017 with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents would submit that this Court may grant permission for Innisai Kacheri programme with stringent conditions.



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

5. Considering the limited scope of prayer sought for in this petition, the Writ Petition is disposed of. The second respondent police is directed to accord permission to the petitioner, incorporating specific conditions and ensure the observance of the conditions to maintain public order and tranquillity. Since there is some objection for giving permission to conduct the programme between 8.00 p.m., to 12.00 a.m. As suggested by the petitioner, it is open to the respondent to restrict the time after considering factors which are peculiar to the temple and the respondent is also directed to give some consideration for the religious sentiment if any, which is projected by the petitioner or other interested persons in the affairs of the temple. Further, the respondent police is at liberty to take appropriate action in the event of non-observance of the conditions stipulated under to conduct 'Innisai Katcheri' programme at the festival of Arulmighu Sri Petchiamman Temple, Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District. The following conditions may be insisted.

(a) there should not be any kind of vulgar dialogues during the performance, by any one of the participants;

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no dance or songs, touching upon any political party or religion, community or caste be played;

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) the participants of the programme shall not intake any kind of intoxic substance or liquor during the programme; and

(h) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

No costs.

sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Superintendent of Police,
Tirunelveli District.

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

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.R.M.KUMARESH, Advocate, SR.No.63479.

W.P. (MD) No.12419 of 2017
05.07.2017

das/pjl

SDS/SKN:RSK/SAR 3/06.07.2017/3P/5C