



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.12794 of 2017

WEB COPY

Shanmugam

... Petitioner

Vs.

State rep by its,
The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to grant permission and adequate police protection to conduct Innisai Katcheri programme on 19.07.2017 during the nighttime from 07.00 p.m. to 02.00 a.m. on the eve of "Sri Vadakkuvasal Selvi Amman Temple" situated in Thalavaipuram, Thirukkurungudi, Tirunelveli District based on the petitioner's representation dated 06.07.2017 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Subash Babu

For Respondent : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondent to grant permission and necessary protection to perform the cultural programme (ie.,) "Innisai Katcheri" on 19.07.2017 in the eve of festival of "Sri Vadakkuvasal Selvi Amman Temple" situated in Thalavaipuram, Thirukkurungudi, Tirunelveli District, by considering the petitioner's representation, dated 06.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Innisai Katcheri" programme on 19.07.2017 in connection with a festival of "Sri Vadakkuvasal Selvi Amman Temple" situated in Thalavaipuram, Thirukkurungudi, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 06.07.2017, with a request to give 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 only objection raised by the respondent in this case is that permission to conduct the programme beyond 10.00 p.m. will cause some problem. Further, it is also stated that the programme is likely to attract more number of youngsters and others belonging to different communities from neighbouring villages and that therefore, permitting the petitioner to conduct programme beyond 10.00 p.m. will lead to law and order problem.

4. However, taking into account the objection of the respondent police, this Court is inclined to dispose of this writ petition with a direction to the respondent/Inspector of Police, Thirukkurungudi Police Station, Tirunelveli District, to consider the representation of the petitioner, dated 06.07.2017 and to give permission and to provide police protection for "Innisai Katcheri" programme in connection with the festival of "Sri Vadakkuvasal Selvi Amman Temple" situated in Thalavaipuram, Thirukkurungudi, Tirunelveli District scheduled to be held on 19.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in order to maintain public peace and communal harmony:

(a) the "Innisai Katcheri" programme in connection with the festival at " Sri Vadakkuvasal Selvi Amman Temple" situated in Thalavaipuram, Thirukkurungudi, Tirunelveli District, scheduled to be held on 19.07.2017 should be completed before 10.30 p.m.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

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

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

(e) no flex boards in support of any political party or religious 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;



(h) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(i) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

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

No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.

+1cc to Mr.M.Subash Babu,Advocate,SR.64826

+1cc to M/s.Special Government Pleader,Advocate,SR.64960

SRM/IA
KK/SKN RSK/SAR1/17.07.2017/3P-4C/

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