

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.13266 of 2017**

Vinoth

... Petitioner

Vs.

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

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

... Respondents

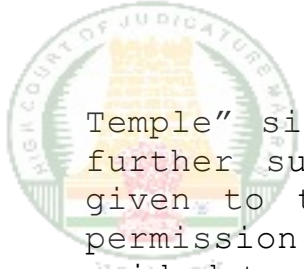
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to give permission to the petitioner to organise the Karakattam programme on 24.07.2017 from 10.00 p.m. to till the completion of midnight prayer i.e., 03.00 a.m. on 25.07.2017 at Narayanasamy Temple ground at Moongiladi with light and sound by considering the petitioner's representation dated 07.07.2017.

For Petitioner : Mr.K.Navaneetha Raja
For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

ORDER

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 to organise "Karakattam programme" from 10.00 p.m. on 24.07.2017 to till 03.00 a.m. on 25.07.2017 at "Narayanasamy Temple ground" situated at Moongiladi, Kalakad, Tirunelveli District, and to provide adequate police protection based on the petitioner's representation, dated 07.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Karakattam" programme from 10.30 p.m. on 24.07.2017 to 03.00 a.m. on 25.07.2017 in connection with a festival in "Muppudathi amman and Narayanasamy



Temple" situated at Moongiladi, Kalakad, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 07.07.2017, 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 Special Government Pleader appearing for the respondent submitted that this Court may grant permission for "Karakattam" programme with stringent conditions and the time may be restricted. He further submitted that there is no adverse remarks against the petitioner in organising the "Karakattam" programme, on 24.07.2017.

4. Though the prayer sought for in this Writ Petition is peculiar, having regard to the custom and practice that prevails in the temples in southern part of the State, this Court is inclined to dispose of this Writ Petition with a direction to the second respondent/Inspector of Police, Kalakad Police Station, Kalakad, Tirunelveli District, to consider the representation of the petitioner, dated 07.07.2017 as a special case and to give permission to the petitioner **from 10.30 p.m. on 24.07.2017 till 03.00 a.m. on 25.07.2017** and to provide police protection to the petitioner to organise "Karakattam" programme in connection with Festival of "Muppudathi Amman and Narayanasamy Temple", situated at Moongiladi, Kalakad, Tirunelveli District, scheduled to be held on 24.07.2017, subject to the following conditions:

(a) *there should not be any kind of obscene dance or 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) *similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;*

(h) *the participants of the programme shall not use any kind of in-toxic substance or liquor during the programme; and*



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

5. It is open to respondent police to put any other restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Kalakad Police Station,
Kalakad,
Tirunelveli District.

+1cc to Mr.K.Navaneetha Raja, Advocate SR.No.66479
+1cc to The Spl.Government Pleader Sr.No.66563

SRM/GNS

VB/MR-KKR/SAR3/21.07.2017/3P/5C

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19.07.2017