



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13538 of 2017

P.Jeyakumar

... Petitioner

-Vs-

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

2. The Inspector of Police,
Thadikombu Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to perform Adi Festival on 14.08.2017 and 15.08.2017 and to conduct Innisai Kactari on 15.08.2017 at Arulmigu Sree Aathi Periyakandiamman Temple, in connection with the Arulmigu Bhagavathi Amman Temple, Nanthavanapatti, Dindigul District, by considering the representation of the petitioner, dated 15.07.2017.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission to perform "Adi" festival on 14.08.2017 and 15.08.2017 and to conduct "Innisai Kacheri" on 15.08.2017 at "Arulmighu Sree Aathi Periyakandiamman" Temple, in connection with "Arulmighu Bhagavathi Amman" Temple, Nanthavanapatti, Dindigul District, by considering the representation of the petitioner, dated 15.07.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Innisai Kacheri" programme in connection with "Adi" festival on 15.08.2017 in "Arulmighu Sree Aathi Periyakandiamman" Temple in connection with "Arulmighu Bhagavathi Amman" Temple, Nanthavanapatti, Dindigul District. He further submitted that in this connection, a representation was given to the second respondent on 15.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents submitted that this Court may grant permission for "Innisai Kacheri" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The second respondent/ The Inspector of Police, Thadikombu Police Station, Dindigul District, is directed to consider the representation of the petitioner, dated 15.07.2017 and to give permission and to provide police protection for "Innisai Kacheri" programme in connection with "Adi" festival in "Arulmighu Sree Aathi Periyakandiamman" Temple in connection with "Arulmighu Bhagavathi Amman" Temple, Nanthavanapatti, Dindigul District, scheduled to be held on 15.08.2017 subject to the following conditions;

(a) the "Innisai Kacheri" programme in connection with "Adi" festival in "Arulmighu Sree Aathi Periyakandiamman" Temple in connection with "Arulmighu Bhagavathi Amman" Temple, Nanthavanapatti, Dindigul District, scheduled to be held on 15.08.2017 should be completed before 10.30 p.m.

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

(c) no 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 intake 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.

6. It is open to second respondent police to put any further 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(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul, Dindigul District.
2. The Inspector of Police,
Thadikombu Police Station,
Dindigul District.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.67020
+1cc to Spl.Government Pleader Sr.No.67292

PMU

VB/SV/SAR2/27.07.2017/3p/5c

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21.07.2017