



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARW.P.(MD) No.13634 of 2017

S.Murugaiya

... Petitioner

-Vs-

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

2.The Sub Inspector of Police,
Uthumalai Police Station,
V.K.Puthur Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in C.No.18/HAPS/2017, dated 20.07.2017 of the second respondent and to quash the same, consequently, directing the respondents to grant permission and necessary protection to perform Innisai Katcheri on 01.08.2017 at 6.00 p.m., in the eve of Melakalungal Village Vadapuram Kaliyamman Kovil Thiruvizha, at Melakalungal Village, V.K.Puthur Taluk, Tirunelveli District.

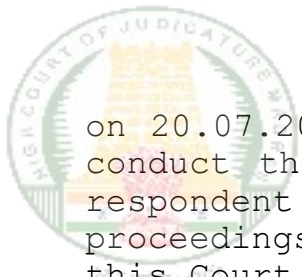
For Petitioner : Mr.P.Balamurugan
For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in C.No.18/HAPS/2017, dated 20.07.2017 of the second respondent and to quash the same, consequently, directing the respondents to grant permission and necessary protection to perform "Innisai Katcheri" on 01.08.2017 at 6.00 p.m., in the eve of Melakalungal Village "Vadapuram Kaliyamman Kovil Thiruvizha", at Melakalungal Village, V.K.Puthur Taluk, Tirunelveli District.

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 Katcheri" programme on 01.08.2017 in connection with a festival in Melakalungal Village "Vadapuram Kaliyamman Kovil Thiruvizha", at Melakalungal Village, V.K.Puthur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent



on 20.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent rejected the said representation, by the impugned proceedings, dated 20.07.2017, and hence, the petitioner is before this Court with this Writ Petition.

WEB COPY

4. The learned Special Government Pleader appearing for the respondents on instructions submitted that the representation given by the petitioner was rejected on the ground that the conduct of "Innisai Katcheri" programme is likely to cause law and order problem. However, he further submitted that no untoward incident is reported, when such programme was conducted during past.

5. The said submission of the learned Special Government Pleader is recorded.

6. Considering the fact that the "Innisai Katcheri" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions. Denying permission to the petitioner will amount to discrimination. Hence, the impugned proceedings, dated 20.07.2017 passed by the second respondent is set aside and the Writ petition is allowed. Taking into consideration the serious objections raised by the learned Special Government Pleader for the respondents, this Court is inclined to issue the following directions:

The second respondent/The Inspector of Police, Uthumalai Police Station, V.K.Puthur Taluk, Tirunelveli District, is directed to consider the representation of the petitioner, dated 20.07.2017 and to give permission and to provide police protection for "Innisai Katcheri" programme in connection with a festival in Melakalangal Village "Vadapuram Kaliyamman Kovil Thiruvizha", at Melakalangal Village, V.K.Puthur Taluk, Tirunelveli District, scheduled to be held on 01.08.2017, subject to the following conditions;

(a) the "Innisai Katcheri" programme in connection with a festival in Melakalangal Village "Vadapuram Kaliyamman Kovil Thiruvizha", at Melakalangal Village, V.K.Puthur Taluk, Tirunelveli District scheduled to be held on 01.08.2017, 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;

<https://hcservices.ecourts.gov.in/info services/> 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.

7. 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 Deputy Superintendent of Police,
Alangulam, Tirunelveli District,
Tirunelveli.

2.The Sub Inspector of Police,
Uthumalai Police Station,
V.K.Puthur Taluk,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.67993

+1cc to Mr.P.BALAMURUGAN Advocate in SR. No.67483

PMU

JS/SKN.RSK/SAR.2/28.7.2017/3P-5C

W.P.(MD) No. 13634 of 2017
24.07.2017