



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13707 of 2017

WEB COPY

S.Paramasivan

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant permission to conduct "Innisai Kacheri" on 11.08.2017 at about 8 p.m., to 3 a.m., on the following days on the eve of "Aadi Kodai Festival" in "Arulmighu Sree Essakkiamman Temple" Situates in Malayankulam Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.A.K.Baskara Pandian

Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition to issue a Writ of Mandamus, directing the respondent to grant permission to conduct "Innisai Kacheri" on 11.08.2017, at about 8 p.m., to 3 a.m., on the eve of "Aadi Kodai Festival" in "Arulmighu Sree Essakkiamman Temple" Situates in Malayankulam Village, Nanguneri Taluk, Tirunelveli District.

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

3. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Innisai Kacheri" on 11.08.2017, in connection with "Aadi Kodai Festival" at "Arulmighu Sree Essakkiamman Temple" situated at Malayankulam Village, Nanguneri Taluk, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 20.07.2017, 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.

4. The learned Special Government Pleader appearing for the respondent would submit that the programme to be organized by the petitioner is likely to attract more crowd from neighbouring villages and therefore, there is likelihood of law and order



problem. He further submitted that permission may be granted for "Innisai Kacheri" programme with stringent conditions.

5. On specific question being asked to the learned Special Government pleader as to the untoward incidents, it was submitted that no such untoward incidents reported in the programme conducted by them in the previous years.

6. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. Hence this Court is inclined to pass the following direction:-

"The respondent / The Inspector of Police, Moonradaippu Police Station, 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 Kacheri" programme in connection with the Aadi Kodai Festival in "Arulmigu Sree Esakkiamman Temple" at Malayankulam Village, Nanguneri Taluk, Tirunelveli District, scheduled to be held on 11.08.2017 subject to the following conditions;

(a) the "Innisai Kacheri" programme in connection with the Festival in "Arulmigu Sree Esakkiamman Temple" at "Malayankulam Village, Nanguneri Taluk, Tirunelveli District, scheduled to be held on 11.08.2017 shall 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.

7. The respondent is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68304
+1cc to Mr.C.K.M.APPAJI Advocate in SR. No.67654
MM/GK
JS/KK/SAR.3/3P-4C/3.8.2017

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