



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 13750 of 2017

Muthukumaran

... Petitioner

-Vs-

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

2.The Inspector of Police,  
Karivalam Vanda Nallur Police Station,  
Karivalam Vanda Nallur,  
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant permission and necessary protection to perform the village folk programme of "Tharai Aattam" performed only by the men of the Periyur Village on 01.08.2017 at 7 p.m., to next day morning 7 a.m., and to conduct spiritual epic drama of "Sri Valli Thirumanam" on 04.08.2017 at 11 p.m., to next day morning 5 a.m., in the eve of Arulmigu Sri Muthalamman Thirukoil, Periyur Village, Tirunelveli District by considering the petitioner's representation dated 12.07.2017.

For Petitioner : Mr.R.Ramasamy

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

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O R D E R

The petitioner has come forward with this Writ Petition to issue a Writ of Mandamus, to direct the respondents to grant permission and necessary protection to perform the village folk programme, "Tharai Aattam" performed only by the men of the Periyur Village on 01.08.2017, at 7 p.m., to next day morning 7 a.m., and to conduct spiritual epic drama of "Sri Valli Thirumanam" on 04.08.2017, at 11 p.m., to next day morning 5 a.m., in the eve of Arulmigu Sri Muthalamman Thirukoil, Periyur Village, Tirunelveli District by considering the petitioner's representation dated 12.07.2017.



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 would submit that the villagers jointly decided to conduct "Tharai Aattam" performed only by the men of the said village, on 01.08.2017 and spiritual epic drama of "Sri Valli Thirumanam" on 04.08.2017, in connection with "Arulmigu Sri Muthalamman Thirukoil, Periyur Village, Tirunelveli District". He would further submit that in this connection, a representation was given to the respondents on 12.07.2017, with a request to grant permission and protection to conduct the programmes on the above said dates. 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 respondents would submit that the programmes to be organized by the writ 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 "Tharai Aattam" and "Sri Valli Thirumanam" programmes with stringent conditions.

5. On specific question being asked to the learned Special Government pleader as to the untoward incidents, it was reported that no such untoward incidents reported in connection with the programmes 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 programmes in this particular village will amount to discrimination. Hence this Court is inclined to pass the following direction:-

"The second respondent / The Inspector of Police, Karivalam Vanda Nallur Police Station, Karivalm Vanda Nallur, Tirunelveli District, is directed to consider the representation of the petitioner, dated 12.07.2017 and to give permission and to provide police protection for "Tharai Aattam" and "Sri Valli Thirumanam" programmes in connection with the Festival in "Arulmigu Sri Muthalamman Thirukoil, Periyur Village, Tirunelveli District" scheduled to be held on 01.08.2017 and 04.08.2017, subject to the following conditions;

(a) the "Tharai Aattam" and "Sri Valli Thirumanam" programmes in connection with the Festival in "Arulmigu Sri Muthalamman Thirukoil, Periyur Village, Tirunelveli District" scheduled to be held on 01.08.2017 and 04.08.2017, shall be completed before the time allowed by respondents;



(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 respondents are 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 respondents 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(C.O.)

/True Copy/

Sub Assistant Registrar.

To

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

2. The Inspector of Police, KarivalamVanda Nallur Police Station,  
KarivalamVanda Nallur, Tirunelveli District.

+1CC to Mr.R.Ramasamy, Advocate, SR.No.67657

+1CC to the Special Government Pleader SR.No. 68296

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