



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.07.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P.(MD) No. 13885 of 2017

R.Selvaraj

... Petitioner

-Vs-

1.The Assistant Superintendant of Police,
Cheranmahadevi (Incharge)
Tirunelveli District.

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

... Respondents

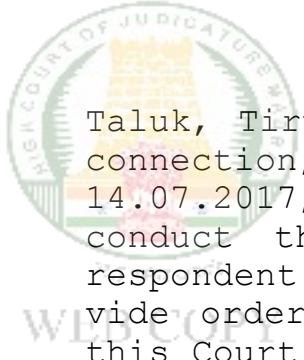
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct respondent to grant permission to perform the Temple Festival from 31.07.2017 at 07.00 PM to 02.08.2017 at 07.00 AM including with 'Karakattam' is to be conducted on 02.08.2017 night at about 01.00 AM at Arulmigu Batrakaliamman Thirukovil situated in Kaniyalankudiyeruppu, Karisal Post, Cheranmahadevi Taluk, Tirunelveli District and to provide adequate police protection based on petitioner's representation dated 14.07.2017.

For Petitioner : Mr.R.Rajeshkumar
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Mandamus seeking a direction to the respondent to grant permission to perform the Temple Festival from 31.07.2017 at 07.00 PM to 02.08.2017 at 07.00 AM including with 'Karakattam' is to be conducted on 02.08.2017 night at about 01.00 AM at Arulmigu Batrakaliamman Thirukovil situated in Kaniyalankudiyeruppu, Karisal Post, Cheranmahadevi Taluk, Tirunelveli District and to provide adequate police protection based on petitioner's representation dated 14.07.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Karakattam" programme from 31.07.2017 at 07.00 PM to 02.08.2017 at 07.00 AM, onwards during the temple festival of "Arulmigu Batrakaliamman Thirukovil" situated in Kaniyalankudiyeruppu, Karisal Post, Cheranmahadevi



Taluk, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 14.07.2017, with a request to grant permission and protection to conduct the programme on the above said dates. However, the respondent Police has granted permission for only on 31.07.2017 vide order dated 15.07.2017 and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Special Government Pleader appearing for the respondent would submit that this Court may grant permission for "Karakattam" programme with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Karakattam" programme.

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

5. 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 second respondent/Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District, is directed to give permission and to provide police protection for "Karakattam" programme in connection with the Festival in " Arulmigu Batrakaliamman Thirukovil" situated in Kaniyalankudiyeruppu, Karisal Post, Cheranmahadevi Taluk, Tirunelveli District scheduled to be held from 31.07.2017 to 02.08.2017 subject to the following conditions;

(a) All the programmes in connection with the Festival in " Arulmigu Batrakaliamman Thirukovil" situated in Kaniyalankudiyeruppu, Karisal Post, Cheranmahadevi Taluk, Tirunelveli District'' scheduled to be held from 31.07.2017 to 02.08.2017 should be completed before the time allowed by respondent.

(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 or religious, 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.

6. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. The respondent is further directed to fix the time limit taking into consideration the sentiments of the villagers, the custom and other factors relevant. 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(Crl side)

/True Copy/

Sub Assistant Registrar

To

1.The Assistant Superintendant of Police,
Cheranmahadevi (Incharge)
Tirunelveli District.

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

+1cc to Special Government Pleader, SR.No. 69383
+1cc to M/S.R.Rajeshkumar, Advocate SR.No. 68970

W.P.(MD) No. 13885 of 2017
31.07.2017