



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

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

W.P.(MD) No.13963 of 2017

K.Sermakani Nadar,
Administrator,
Marathadi Medgam Thiraikonda Sastah Kovil,
Arunaperi, Pethanadarpatti Post,
Pavoorchatram, Tirunelveli District.

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent dated 19.07.2017 and quash the same and consequently directing the respondents herein to grant permission and adequate police protection for conducting 'Aadal Padal' from 6.00 p.m. to 9.00 p.m. and Light Music from 9.00 p.m. to 12.00 p.m. on the eve of Marathadi Megam Thiraikonda Sastha Kovil festival on 02.08.2017.

For Petitioner : Mr.D.Srinivasa Ragavan

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

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent dated 19.07.2017 and quash the same and consequently directing the respondents herein to grant permission and adequate police protection for conducting 'Aadal Padal' from 6.00 p.m. to 9.00 p.m. and Light Music from 9.00 p.m. to 12.00 p.m. on the eve of Marathadi Megam

Thiraikonda Sastha Kovil Festival on 02.08.2017.

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 Adal Padal and Light Music programmes on 02.08.2017 in connection with a festival in Marathadi Megam Thiraikonda Sastha Kovil Festival. He further submitted that in this connection, a representation was given to the second respondent on 19.07.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the second respondent rejected the said representation, by the impugned proceeding, dated 19.07.2017, and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents on instructions submitted that this Court may grant permission for Adal Padal and Light Music programmes subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order dated 19.07.2017 passed by the second respondent is set aside and the Writ petition is allowed with the following direction:-

The second respondent/The Inspector of Police, Pavorchatram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 19.07.2017 and to give permission and to provide police protection for Adal Padal and Light Music programmes in connection with a festival in Marathadi Megam Thiraikonda Sastha Kovil Festival, scheduled to be held on 02.08.2017, subject to the following conditions;

(a) the Aadal Padal and Light Music programmes in connection with the Marathadi Megam Thiraikonda Sastha Kovil Festival, scheduled to be held on 02.08.2017, 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(T&P)

/True copy/

Sub Assistant Registrar

To

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

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

+1 cc to Mr.D.Srinivasa Ragavan , Advocate in SR.No. 68441

+1 cc to The Special Government Pleader in SR.No.69031

cp/mm

AE/SKN RSK/SAR1/01.08.2017/3P/5C

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