



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14143 of 2017

P.Ramachandran

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Assistant Superintendent of Police,
Cheranmahadevi Division,
Now In-charge of Nanguneri Division,
Cheranmahadevi Taluk, Tirunelveli District,
Tirunelveli.
3. The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the 2nd respondent made in his proceedings in Na.Ka.No.51/Se.Mu.Aa/U.Ka.Ka/Cherai/2017, dated 20.07.2017 and to quash the same and consequentially direct the 3rd respondent to consider the petitioner's application, dated 18.07.2017 to give permission and adequate police protection to the programme scheduled on 07.08.2017 10.00 pm to 03.00 am & 08.08.2017 10.00 pm to 03.00 am for Villu Pattu and Magudam programme and to use the sound service during the festival time from 10.00 pm to 03.00 am within the campus of the temple at Arulmigu Parvathi Amman Thirukovil, Polikkarai Village, Cheranmahadevi Taluk, Tirunelveli District.

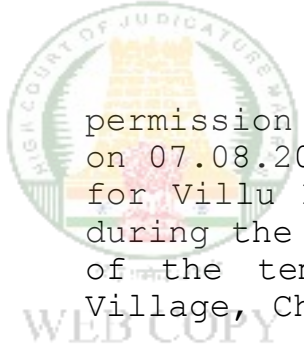
For Petitioner : Mr.S.Krishnan

For Respondents : Mr.A.K.Baskara Pandian

Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the 2nd respondent made in his proceedings in Na.Ka.No.51/Se.Mu.Aa/U.Ka.Ka /Cherai/2017, dated 20.07.2017 and to quash the same and consequentially direct the 3rd respondent to consider the petitioner's application, dated 18.07.2017 to give



permission and adequate police protection to the programme scheduled on 07.08.2017 10.00 pm to 03.00 am & 08.08.2017 10.00 pm to 03.00 am for Villu Pattu and Magudam programme and to use the sound service during the festival time from 10.00 pm to 03.00 am within the campus of the temple at Arulmigu Parvathi Amman Thirukovil, Polikkarai Village, Cheranmahadevi Taluk, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Villu Pattu and Magudam programme" on 07.08.2017 10.00 pm to 03.00 am & 08.08.2017 10.00 pm to 03.00 am at "Arulmigu Parvathi Amman Thirukovil", Polikkarai Village, Cheranmahadevi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondents on 18.07.2017, with a request to grant permission and protection to conduct the programme on the above said dates. However, the respondent police has granted permission with certain conditions and aggrieved by the same the petitioner is before this Court with this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. 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 modify the impugned order dated 20.07.2017 passed by the second respondent herein, to the extent that the petitioner shall conduct the programme in relation to the temple festival on 07.08.2017 and 08.08.2017 upto 1.00 am on the following day and with respect to other aspects of the impugned order remains unchanged subject to the further following conditions.

(a) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no dance or 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;



(e) 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;

(f) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(g) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(h) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

5. It is open to 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.

6. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Assistant Superintendent of Police,
Cheranmahadevi Division,
Now In-charge of Nanguneri Division,
Cheranmahadevi Taluk, Tirunelveli District,
Tirunelveli.
3. The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi, Tirunelveli District.

+ 1 CC TO Mr.S.KRISHNAN, ADVOCATE IN SR No. 69091
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69376

CMR/DSK

<https://hcservices.ecourts.gov.in/hcservices/> : 04/08/2017 : 3P/6C

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