



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 14152 of 2017

S.Rajadurai

... Petitioner

-Vs-

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

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

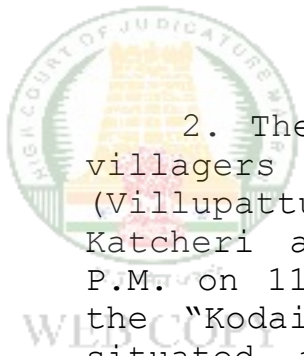
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to accord permission for conducting "Villisai Katcheri (Villupattu)" which is scheduled on 10.08.2017 and "Innisai Katcheri and Kabadi Tournament" which are scheduled from 10.00 P.M. on 11.08.2017 to 02.00 A.M. on 12.08.2017 in connection with the "Kodai Vizha" of "Sriman Ooikkattu Sudalai Andavar Temple" situated at Sri Ragunathapuram, Radhapuram Taluk, Tirunelveli District based on the petitioner's representation dated 20.07.2017.

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

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the the second respondent to accord permission for conducting "Villisai Katcheri (Villupattu)" which is scheduled on 10.08.2017 and "Innisai Katcheri and Kabadi Tournament" which are scheduled from 10.00 P.M. on 11.08.2017 to 02.00 A.M. on 12.08.2017 in connection with the "Kodai Vizha" of "Sriman Ooikkattu Sudalai Andavar Temple" situated at Sri Ragunathapuram, Radhapuram Taluk, Tirunelveli District based on the petitioner's representation dated 20.07.2017.



2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Villisai Katcheri (Villupattu)" which is scheduled on 10.08.2017 and "Innisai Katcheri and Kabadi Tournament" which are scheduled from 10.00 P.M. on 11.08.2017 to 02.00 A.M on 12.08.2017 in connection with the "Kodai Vizha" of "Sriman Ooikkattu Sudalai Andavar Temple" situated at Sri Ragunathapuram, Radhapuram Taluk, Tirunelveli District. He further submitted 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 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.

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

4. The learned Special Government Pleader appearing for the respondents submitted that permission can be granted subject to stringent conditions. When enquired about the antecedents during such programmes in previous years, the respondent police has submitted that no untoward incident was reported.

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

The second respondent/ Inspector of Police, Panagudi 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 "Villisai Katcheri (Villupattu)" which is scheduled on 10.08.2017 and "Innisai Katcheri and Kabadi Tournament" which are scheduled from 10.00 P.M. on 11.08.2017 to 02.00 A.M. On 12.08.2017 in connection with the "Kodai Vizha of Sriman Ooikkattu Sudalai Andavar Temple" situated at Sri Ragunathapuram, Radhapuram Taluk, Tirunelveli District, and it is open to the respondent police to fix time with reference to each programme subject to the following conditions;

(a) the "Villisai Katcheri (Villupattu)" which is scheduled on 10.08.2017 and "Innisai Katcheri and Kabadi Tournament" which are scheduled to be held from 10.00 P.M. on 11.08.2017 to 02.00 A.M on 12.08.2017 in connection with the "Kodai Vizha of Sriman Ooikkattu Sudalai Andavar Temple" situated at Sri Ragunathapuram,



Radhapuram Taluk, Tirunelveli District, should be completed adhering to the timings specified by the respondents.

In respect of "Villisai Katcheri (Villupattu)" and "Innisai Katcheri" :-

(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, and

In respect of "Kabadi Tournament" subject to the following conditions ;

(i) The Kabadi tournament shall be conducted in a peaceful manner.

ii) The petitioner and other participants shall not show any slogan for or against any party or party leader, any caste, community or creed.



iii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.

iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

v) The participants of Kabadi tournament shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

vi) Songs praising communal leader or having communal overtones should not be played.

vii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.

(viii) No flex boards in support of any political party or religious leader be erected.

(ix) 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;

(x) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time.

(xi) The participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

(xii) If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;

(xiii) The respondent concerned is directed to issue necessary permission, incorporating the above conditions.

(xiv) The Referee must be authorized person from the District Association.

6. 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 of any Flex Boards representing any community.



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

Sd/-

Assistant Registrar()

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/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to M/S.A.Kesavan, Advocate SR.No. 69090

+1cc to Special Government Pleader, SR.No. 69381

W.P.(MD) No. 14152 of 2017
31.07.2017

cmr/dsk

JM/RSK/SAR 1/07.08.2017/5P/5C