

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.08.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.14305 of 2017**

Sebastin Arulselvan

... Petitioner

-Vs-

The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.

... Respondent

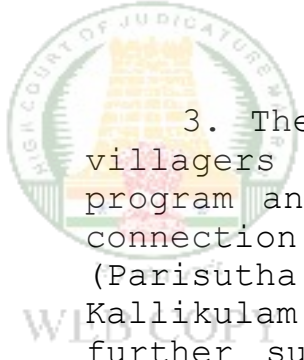
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the Comedy Galatta cultural program and Magic Show programme during the Church festival of "Our Lady of Snows Church" (Parisutha Athisaya Panimatha Thiruthala Peralayam), South Kallikulam Village, Radhapuram Taluk, Tirunelveli District, on 02.08.2017 and 03.08.2017 from 9.00 p.m., onwards respectively and further direct the respondent to give adequate police protection for the above said programmes.

For Petitioner : Mr.D.Venkatesh.
For Respondent : Mr.A.K.Baskara Pandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to respondent to permit the petitioner to conduct the Comedy Galatta cultural program and Magic Show programme during the Church festival of "Our Lady of Snows Church" (Parisutha Athisaya Panimatha Thiruthala Peralayam), South Kallikulam Village, Radhapuram Taluk, Tirunelveli District, on 02.08.2017 and 03.08.2017 from 9.00 p.m., onwards respectively and further direct the respondent to give adequate police protection for the above said programmes.

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



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Comedy "Galatta" cultural program and Magic Show programme on 02.08.2017 and 03.08.2017 in connection with a festival in "Our Lady of Snows Church" (Parisutha Athisaya Panimatha Thiruthala Peralayam), South Kallikulam Village, Radhapuram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 30.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. 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 respondent on instructions submitted that the respondent has serious objection with regard to the timing, stating that if the programme is conducted beyond the period of 10.30 p.m., it will create immense hardship to the public and the respondent in maintaining law and order.

5. Taking into consideration the serious objections raised by the learned Special Government Pleader for the respondent, the Writ Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Valliyoor Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 30.07.2017 and to give permission and to provide police protection for Comedy "Galatta" cultural program and Magic Show programme in connection with a festival in "Our Lady of Snows Church" (Parisutha Athisaya Panimatha Thiruthala Peralayam), South Kallikulam Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 02.08.2017 and 03.08.2017, subject to the following conditions;

(a) the Comedy "Galatta" cultural program and Magic Show programme in connection with a festival in "Our Lady of Snows Church" (Parisutha Athisaya Panimatha Thiruthala Peralayam), South Kallikulam Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 02.08.2017 and 03.08.2017 should be completed before 10.30 p.m on each day.

(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;

<https://hcservices.ecourts.gov.in/hcservices/> 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 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. 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. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

+1cc to M/S. D.VENKATESH, Advocate, SR.No.69185.

W.P.(MD) No. 14305 of 2017
01.08.2017

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