

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

DATED: 04.08.2017
CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR
W.P. (MD) No.14402 of 2017

P.Gandhi Selvan

... Petitioner

-Vs-

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to grant permission to conduct Innisai Kacheri on 09.08.2017 at about 7 pm to 3 am on the eve of Aadi Kodai Festival in Sree Perumal Swamy Parvathi Ambal Temple situated in Puthukulam Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.C.K.M.Appaji.

For Respondent : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus to direct the respondent to grant permission to conduct Innisai Kacheri on 09.08.2017 at about 7 pm to 3 am on the eve of Aadi Kodai Festival in Sree Perumal Swamy Parvathi Ambal Temple situated in Puthukulam Village, Nanguneri Taluk, Tirunelveli District.

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 petitioner is the President of the Festival Committee of Sri Perumal Swamy Parvathi Ambal Temple, situated at Puthukulam Village, Nanguneri Taluk, Tirunelveli District. The petitioner and other members of Committee have decided to conduct Innisai Kacheri on the eve of Aadi Kodai Festival on 09.08.2017. On 31.07.2017, they gave a representation to the respondent police seeking permission and police protection to conduct Innisai Kacheri on 09.08.2017. The said representation has not yet been considered. Hence, the petitioner has filed the above petition.



4. The learned Special Government Pleader appearing for the respondent produced a copy of FIR which was registered by the Sub-Inspector of Police, Nanguneri Police Station. The contents of the FIR reveals that there is some misunderstanding between the two religious groups of same community in relation to few local issues. Though some petitions have been filed, no complaint is registered as against the incidents apprehending that there may be some law and order problem in relation to Aadi Festival in the Amman Temple and a request was made to the Sub Collector, Cherahmahadevi, to take action on the basis of FIR and a copy of the FIR was also sent to the Sub-Collector, Cheranamadevi. It is reported that the Sub Collector has not taken any action so far. In these circumstances, this Court is able to see that the dispute is not with regard to conduct of "Aadi Kodai Vizha" in the temple and there is no rival claim or dispute with regard to conduct of the festival in the Amman Temple in the Tamil month of Aadi.

5. However the apprehension that was expressed in the FIR, which was registered on 27.06.2017, is relating to other legal issues. It is true that the respondent police has responsibility to protect the public. If there is any reasonable apprehension, it is possible to initiate proceeding under Section 107 Cr.P.C. However this Court in the assessment of facts indicated in the FIR, is not able to conclude that there is no dispute with regard to conduct of festival. However the petitioner can be directed not to indulge in any action that would affect the religious sentiments of the other groups of the same community, but belongs to the different religions.

6. Today, when the matter is taken up hearing, the learned Special Government Pleader specifically requested to enquire whether the situation can be managed. The learned Special Government Pleader, after getting instructions from the respondent police, has submitted that the situation can be managed unless there is any serious incident that may trigger something bigger. Hence this Court is inclined to pass the following directions.

"The respondent police is directed to consider the representation of the petitioner dated 31.07.2017 and to grant permission subject to the following conditions:

(a) the "Innisai Kacheri" programme in connection with the eve of Aadaai Kodai Festival in Sree Perumal Swamy Parvathi Ambal Temple situated in Puthukulam Village, Nanguneri Taluk, Tirunelveli District scheduled to be held on 09.08.2017 should be completed before 10.30 p.m.

(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 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.

7.If any untoward incident is reported before the celebration of the festival, it open to the respondent police to take any action including the order prohibiting the petitioner and his men to conduct the "Aadi Kodai Vizha" in the Amman Temple. It is the responsibility of the petitioner to see that the youngsters belonging to his community and other religions shall cooperate for maintaining the law and order. If there is any act by the petitioner's group, triggering or provoking members of other religions, the matter will be viewed seriously and appropriate action will be taken. This writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S. C.K.M.APPAJI, Advocate, SR.No.70513.

+1cc to Special Government Pleader, SR.No.70877.

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