



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.14424 of 2017

M.Kathiravan

... Petitioner

-Vs-

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

2.The Inspector of Police,
Taluk Police Station,
Dindigul District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the representation dated 18.07.2017 herein and to grant permission and adequate police protection for conducting the Arulmigu Aathi Periyakandiamman Temple festival on 15.08.2017 from 07.30 a.m. to till the end of the historical drama situated at Nanthavanapatti, Dindigul Taluk, Dindigul District.

For Petitioner : Mr.D.Selvaraj
For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, seeking a direction to the respondents to consider the representation dated 18.07.2017 and to grant permission and adequate police protection for conducting the Arulmigu Aathi Periyakandiamman Temple festival on 15.08.2017 from 07.30 a.m. to till the end of the "Historical Drama" programme situated at Nanthavanapatti, Dindigul Taluk, Dindigul District.

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

3.The petitioner states that he is the organizer of festival committee, Arulmigu Aathi Periyakandiamman Temple, situated at Nanthavanapatti, Dindigul Taluk, Dindigul District. It is stated that the festival is conducted by the villagers in the above said temple and during the said festival they used to get permission from the second respondent for police protection. When the petitioner submitted a representation on 18.07.2017, to the second respondent to grant permission and adequate police protection to



conduct the temple festival. Though the second respondent has not pass any orders, the petitioner has filed this Writ Petition for a direction to the second respondent to grant permission and police protection to conduct the festival.

4. Though the respondents have no objections for conducting the festival or any programmes in connection with the festival of Arulmigu Aathi Periyakandiamman Temple festival on 15.08.2017, the contention of the second respondent is that one Jayakumar, has filed W.P.(MD) No.13538 of 2017, seeking a direction to the second respondent herein to grant permission to perform Innisai Katcheri in connection with Aadi festival in Arulmigu Bhagavathi Amman Temple, located in the same village. This Court also granted permission for conducting Innisai Katcheri on 15.08.2017. Since, on the same day, already permission is granted, the second respondent cannot be directed to give police protection to another programme to be conducted in a near by temple located in the same village. The learned Special Government Pleader, on instructions, submitted that it is not feasible to give police protection to the petitioner to conduct the programme, namely, "Historical Drama" on the same day.

5. The learned counsel for the petitioner submitted the Historical Drama proposed by the petitioner will be postponed to the next day, namely, 16.08.2017 and the second respondent may be directed to consider the representation of the petitioner dated 18.07.2017. On instructions, the learned Special Government Pleader, submitted that the respondents have no objections for conducting the Historical Drama on 16.08.2017.

6. Recording the said submission, the second respondent is directed to consider the petitioner's representation dated 18.07.2017 and grant permission and adequate police protection for conducting the "Historical Drama" proposed by the petitioner in connection with the festival in Arulmigu Aathi Periyakandiamman Temple, situated at Nanthavanapatti, Dindigul Taluk, Dindigul District, on 16.08.2017 from 7.30 am subject to any special conditions which is required to maintain law and order and public peace or communal harmony apart from the usual conditions, enumerated as follows:

(a) the "Historical Drama" in connection with a festival in "Arulmigu Aathi Periyakandiamman Temple, situated at Nanthavanapatti, Dindigul Taluk, Dindigul District, on 16.08.2017 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) 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.

7. 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. The Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Taluk Police Station, Dindigul District.

+1cc to M/S.D.Selvaraj, Advocate SR.No.70900

+1cc to Special Government Pleader, SR.No. 71379

W.P.(MD) No. 14424 of 2017