



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.14627 of 2017

M.Paulraj

... Petitioner

-Vs-

State rep by its:-

The Inspector of Police,
Panagudi 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 and adequate police protection to conduct Innisai Katcheri programme on 13.08.2017 during nighttime from 07.00 p.m to 11.00 p.m on the eve of "Sri Vadalivilai Pathira Kaliyamman Temple" situated in Valliyur, Tirunelveli District based on the petitioner's representation dated 31.07.2017.

For Petitioner	: Mr.M.Subash Babu
For Respondents	: Mr.A.K.Baskara Pandian, Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus directing the respondent to grant permission and adequate police protection to conduct Innisai Katcheri programme on 13.08.2017 during nighttime from 07.00 p.m to 11.00 p.m on the eve of "Sri Vadalivilai Pathira Kaliyamman Temple" situated in Valliyur, Tirunelveli District based on the petitioner's representation dated 31.07.2017.

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 "Innisai Katcheri" programme on 13.08.2017 during the celebration of "Sri Vadalivilai Pathira Kaliyamman Temple" situated in Valliyur, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 31.07.2017, 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 submitted that this Court may grant permission for

"Innisai Katcheri" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Panagudi Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 31.07.2017 and to give permission and to provide police protection for "Innisai Katcheri" during the celebration of "Sri Vadalivilai Pathira Kaliyamman Temple" situated in Valliyur, Tirunelveli District, scheduled to be held on 13.08.2017, subject to the following conditions;

(a) the "Innisai Katcheri" programme in connection with the a festival in Sri Santhipillaiyar temple is situated at Keelasurandai Village, V.K.Pudur Taluk, Tirunelveli District, scheduled to be held on 13.08.2017, 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.



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

WEB COPY

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.M.Subash Babu, Advocate SR.No. 70821

+1cc to Special Government Pleader, SR.No. 71292

W.P.(MD) No. 14627 of 2017

04.08.2017

cmr/lr

JM/JC/SAR 1/10.08.2017/3P/4C