



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.14778 of 2017

A.Marikani

... Petitioner

-Vs-

1.The Superintendent of Police,
Palayamkottai,
Tirunelveli.

2.The Deputy Superintendent of Police,
RSK Road, Puliyankudi,
Tirunelveli District.

3.The Sub Inspector of Police,
Sendamaram Police Station,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit to conduct the temple festival and Orchestra function in Arulmigu Kodungal Madasamy temple belongs to Udaiyar Vathiyar Community people at Ariyanayagipuram Village, Tirunelveli on 11.08.2017 at about 09.00 p.m. to 12.00 Mid Night on the basis of the petitioner's representation dated 04.08.2017.

For Petitioner : Mr.D.Nallathambi

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

ORDER

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents to permit to conduct the "Temple festival and Orchestra" function in Arulmigu Kodungal Madasamy temple belongs to Udaiyar Vathiyar Community people at Ariyanayagipuram Village, Tirunelveli on 11.08.2017 at about 09.00 p.m. to 12.00 Mid Night on the basis of the petitioner's representation dated 04.08.2017.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct the "Temple festival and Orchestra" programme on 11.08.2017 in connection with the Arulmigu Kodungal Madasamy temple belongs to Udaiyar Vathiyar Community people at Ariyanayagipuram Village, Tirunelveli District. He further submitted that in this connection, a representation was



given to the respondent on 04.08.2017, 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.

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4. The learned Special Government Pleader appearing for the respondent submitted that this Court may grant permission for "Temple festival and Orchestra" 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 third respondent/The Sub Inspector of Police, Sendamaram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 04.08.2017 and to give permission and to provide police protection for "Temple festival and Orchestra" programme in connection with the Arulmigu Kodungal Madasamy temple belongs to Udaiyar Vathiyar Community people at Ariyanayagipuram Village, Tirunelveli District, scheduled to be held on 11.08.2017, subject to the following conditions;

(a) the "Temple festival and Orchestra" programme in connection with the Arulmigu Kodungal Madasamy temple belongs to Udaiyar Vathiyar Community people at Ariyanayagipuram Village, Tirunelveli District, scheduled to be held on 11.08.2017 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 (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Palayamkottai,
Tirunelveli.

2. The Deputy Superintendent of Police,
RSK Road, Puliyankudi,
Tirunelveli District.

3. The Sub Inspector of Police,
Sendamaram Police Station,
Tirunelveli.

+1cc to Mr.D.Nallathambi, Advocate, SR.71866

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DSP/GSS

KK/MMS/SAR3/10.08.2017/ 3P- 5C/