



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.15280 of 2017

K.Durairaj

... Petitioner

Vs.

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

2.The Inspector of Police,
Kallakudi Police Station,
Kallakudi,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner representation dated 09.08.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 06.00 p.m. to 12.00 p.m. on 25.08.2017 in temple namely "Shree Thirapathiamman Kovil" at Malvai village, Lalukudi Taluk, Trichy District.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 09.08.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 06.00 p.m. to 12.00 p.m. on 25.08.2017 in temple namely "Shree Thirapathiamman Kovil" at Malvai village, Lalukudi Taluk, Trichy District.

2.Heard Mr.C.Jeyaprakash, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that there is a temple called "Shree Thirapathiamman Kovil" at Malvai Village, Lalukudi Taluk, Trichy. Every year, "Avani Pongal



Festival" is conducted in the said temple with cultural programmes. This year, "Avani Pongal Festival" in "Shree Thirapathiamman Kovil" at Malvai Village, Lalukudi Taluk, Trichy is proposed to be celebrated on 25.08.2017. In view of that, a "Kiramiya Isai and Aadal Padal Programme" is scheduled to be held on 25.08.2017. In this connection, a representation, dated 09.08.2017 was given to the second respondent police, with a request to grant permission to conduct Kiramiya Isai and Aadal Padal. However, the respondent Police has not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that every year, cultural programmes in the temple festival are conducted in a peaceful manner by the villagers and there will be no untoward incident by the people of the village.

4.The learned Additional Government Pleader appearing for the respondent would submit that permission may be granted subject to stringent conditions.

5.Considering the fact that the "Aadal Padal" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions, denying permission to the petitioner will amount to discrimination. Hence, taking into consideration the submission made by the learned Additional Government Pleader for the respondents, this Court is inclined to issue the following directions:

The second respondent/The Inspector of Police, Kallakudi Police Station, Kallakudi, Trichy District, is directed to consider the representation of the petitioner, dated 09.08.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with a "Avani Pongal Festival" in "Shree Thirapathiamman Kovil" at Malvai village, Lalukudi Taluk, Trichy District, scheduled to be held on 25.08.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with a "Avani Pongal Festival" at "Shree Thirapathiamman Kovil" at Malvai village, Lalukudi Taluk, Trichy District, scheduled to be held on 25.08.2017, 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) no 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 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.

6. 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.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Kallakudi Police Station,
Kallakudi,
Trichy District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.72658

+1cc to Mr.C.JEYA PRAKASH Advocate in SR. No.72515

VS

JS/SKN.RSK/SAR.3/21.08.2017/3P-5C

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16.08.2017