



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.15319 of 2017

P.Arunachalam

... Petitioner

Vs.

The State of Tamil Nadu rep. through its
Sub-Inspector of Police,
Sernthamaram Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the respondent dated 08.08.2017 and quash the same and consequently direct the respondent to grant permission to conduct Festival in Balasubramaniya Swami Temple in Vellapanadarur Village, Sendamaram Police limit, Kadayanallur Taluk, Tirunelveli District between 27.08.2017 to 05.09.2017 between 9.00 PM to 1.00 AM within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.N.S.Karthikeyan

Additional Government Pleader

O R D E R

The petitioner has filed this Writ Petition, challenging the order passed by the respondent, refusing to grant permission to conduct festival in Balasubramaniya Swami Temple in Vellapanadarur Village, Sendamaram Police limit, Kadayanallur Taluk, Tirunelveli District from 27.08.2017 to 05.09.2017 between 9.00 PM to 1.00 AM.

2.Heard Mr.P.M.Vishnuvarthanan, the learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, the learned Additional Government Pleader appearing for the respondent.

3.According to the petitioner, he is one of the elder members of the community. According to him, they have constructed a Swami Temple in the village and every year, they are conducting festivals in the said temple with "special poojas and cultural" programmes. This year, festival is proposed to be



celebrated from 27.08.2017 to 05.09.2017. During the festival, they want to conduct Pattimandram, light music programme and also villupattu and on the final day, they arranged for a procession of the deity with Chendai melam and drums melam. Hence, they requested permission from the respondent police. But the respondent rejected the said request by an order dated 08.08.2017. Now, challenging the same, 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 respondents contended that if light music programme or other programmes are conducted, it will cause disturbance to others. Hence, he requests this Court that permission may be granted subject to stringent conditions.

5.On the other hand, the learned counsel appearing for the petitioner submitted that already they have given an undertaking that they will not cause any nuisance to the general public and they will not conduct any obscene programmes, during the temple festival. They only want to conduct some programmes like Pattimandram and light music programme and they will give a further undertaking that they will complete all the programmes before 12.00 p.m.

I have considered the rival submissions.

6.Considering the fact that the petitioner only wants to conduct Pattimandram and other programmes, this Court is inclined to set aside the order passed by the respondent, dated 08.08.2017 and pass the following order.

The respondent/The Sub-Inspector of Police, Sendamaram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 05.08.2017 and to give permission and to provide police protection for cultural programmes in connection with the Festival" at "Balasubramaniya Swami Temple in Vellapanadarur Village, Sendamaram Police limit, Kadayanallur Taluk, Tirunelveli District, scheduled to be held from 27.08.2017 to 05.09.2017, subject to the following conditions;

(a) All the programmes in connection with "Festival" at "Balasubramaniya Swami Temple in Vellapanadarur Village, Sendamaram Police limit, Kadayanallur Taluk, Tirunelveli District scheduled to be held from 27.08.2017 to 05.09.2017 should be completed before 12.00 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 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 the 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.

8. The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

The Sub-Inspector of Police, State of Tamil Nadu
Sernthamaram Police Station, Tirunelveli District.

+1CC to Mr.P.M.Vishnuvarthanan, Advocate, SR.No. 72720

+1CC to the Special Government Pleader SR.No.72661

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