



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.15386 of 2017

L.K.Sudalaikannu

... Petitioner

-vs-

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Marugalkurichi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to give necessary and adequate Police Protection for conducting "Kalnattu Vizha" which is fixed on 22.08.2017 and the Temple Utsava Umbrella Festival on 29.08.2017 for Arulmigu Puthu Amman Temple by considering petitioner's representation dated 10.08.2017.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.S.Sadhiskumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents herein to give necessary and adequate Police Protection for conducting "Kalnattu Vizha" fixed on 22.08.2017 and the Temple Utsava Umbrella Festival on 29.08.2017 for Arulmigu Puthu Amman Temple.

2.The writ petitioner states that he is the "Dharmakartha" of Arulmigu Puthu Amman Temple. The writ petitioner further states in the affidavit that there are four groups of pangaalis in the village viz.,Karaveedu Pangaali, Melatheru Pangaali, Seeval Thevar Pangaali and Aandithevar Pangaali. The petitioner claims that he is a member of Karaveedu Pangaali. Even in the affidavit filed in support of the petition, the petitioner submit that there is some

dispute in respect of placing the "Kalvettu" in the Temple.

3. He further states that last year the petitioner filed the writ petition in W.P.(MD) No.16020 of 2016 seeking Police Protection for conducting Temple Utsava Umbrella Festival that was planned on 30.08.2016. This Court after recording the submissions of the learned Additional Government Pleader appearing for the respondents that they have decided to grant permission, the writ petition was closed. Since, the petitioner himself has admitted that there is a dispute in placing the "Kalvettu" in the Temple, the second respondent is directed to consider the petitioner's representation dated 10.08.2017 and pass appropriate orders on merits and in accordance with law, on or before 21.08.2017. If there is no objection from any other person for conducting the Festival, it is open to the respondents to grant permission and give adequate police protection for conducting the "Kalnattu Vizha" as well as the Kodai Festival as per the dates mentioned in the representation subject to the usual conditions so as to maintain law and order and communal harmony subject to the following direction:-

(a) "Kalnattu Vizha" as well as Temple Utsava Umbrella Festival for Arulmigu Puthu Amman Temple, scheduled to be held on 22.08.2017 and 29.08.2018 respectively, should be completed as per the time fixed by the second respondent taking into account, the practice, custom and other aspects.

(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 dance 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

if any untoward incident takes place, the organizers of the programme be made responsible for the same.



4. 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.

5. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Marugalkurichi Police Station,
Tirunelveli District.

+1 cc to Mr.A.Thirumurthy , Advocate in SR.No. 72815
+1 cc to The Special Government Pleader in SR.No.73185

mm/msa

AE/SV MMS/SAR4/21.08.2017/3P/5C

W.P. (MD) No.15386 of 2017
17.08.2017