



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15434 of 2017

K.Selvaraj

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli.

2.The Sub Inspector of Police,
Thisaiyanvillai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the order passed by the second respondent on 08.08.2017 and quash the same and consequently direct the second respondent to grant permission and give police protection for conducting the Avani Perunkodai festival at Sri Sudalai Andavar Thirukovil, situated at North Street, Thisaiyanvillai, from 20.08.2017 till 25.08.2017 as per the scheduled timing mentioned in the invitation.

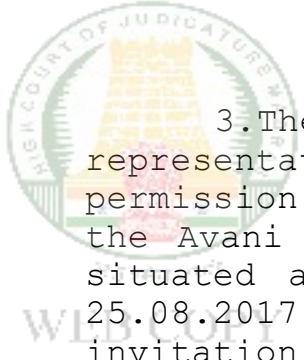
For Petitioner : Mr.R.Anand

For Respondents : Mr.S.Sadhish Kumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the second respondent on 08.08.2017 and consequently direct the second respondent to grant permission and give police protection for conducting the Avani Perunkodai festival at Sri Sudalai Andavar Thirukovil, situated at North Street, Thisaiyanvillai, from 20.08.2017 till 25.08.2017 as per the scheduled timing mentioned in the invitation.

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



3.The learned counsel for the petitioner submitted that a representation was given by the petitioner on 08.08.2017 seeking permission and for granting adequate police protection to conduct the Avani Perunkodai festival at Sri Sudalai Andavar Thirukovil, situated at North Street, Thisaiyanvillai, from 20.08.2017 till 25.08.2017 as per the scheduled timing mentioned in the invitation. However, the said representation was rejected on the ground that the organizers have not come forward to conduct the festival within the time prescribed. There is no reference in the order about any time prescription. In the above circumstances, this Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order rejecting permission dated 08.08.2017 and for a direction to the second respondent to grant permission and give police protection for conducting the Avani Perunkodai festival at Sri Sudalai Andavar Thirukovil, situated at North Street, Thisaiyanvillai, from 20.08.2017 till 25.08.2017 as per the scheduled timing mentioned in the invitation.

4.The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the respondent police have no objection for any religious ceremony during the kodai festival. According to them, the time restriction was only for non-religious activities like cultural programme or any other programme which is not related to any religious function. The temple festival as per the programme schedule includes religious and non-religious activities on 24.08.2017 and 25.08.2017.

5.The learned counsel appearing for the petitioner submitted that the usual timings for the programme on 24.08.2017 and 25.08.2017 may be extended beyond the usual time limit and that permission is required till 02.00 a.m. on the next day.

6.The learned Additional Government Pleader appearing for the respondents though has expressed some objection with regard to time extension beyond 12.00 o' clock in the mid-night, the impugned order passed by the second respondent, dated 08.08.2017, is set aside and the Writ petition is allowed. Considering the practice and custom of conducting the temple festival beyond 02.00 a.m. on the next day of important days, the second respondent is directed to grant permission and give police protection for conducting Avani Perunkodai Festival from 20.08.2017 to 25.08.2017 subject to the following conditions:

(a) the timing of the programme in connection with the festival of "Kodaivizha" at "Sri Sudalai Andavar Thirukovil", situated at North Street, Thisaiyanvillai, Tirunelveli District scheduled to be held on 24.08.2017 and 25.08.2017 shall be extended beyond usual time and the organizers are permitted to conduct the religious and non-religious functions simultaneously till 02.00 a.m. on the next day. This time extension will be



permitted only on 24.08.2017 and 25.08.2017 and not for other days.

(b) Regarding other days, the second respondent is directed to consider the plea of the petitioner and it is open to the second respondent to extend the time if he is satisfied that the practice and custom and other factors will not affect the public order or public peace.

(c) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(d) double meaning songs should not be played so as to spoil the minds of students and the youth;

(e) no dance or songs, touching upon any political party or religion, community or caste be played;

(f) no flex boards in support of any political party or religious leader be erected;

(g) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(h) 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;

(i) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(j) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

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

No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar.



To

1.The Superintendent of Police,
Tirunelveli.

2.The Sub Inspector of Police,
Thisaiyanvillai Police Station,
Tirunelveli District.

+1CC to Mr.R.Anand, Advocate, SR.No. 73154

+1CC to the Special Government Pleader SR.No.73184

W.P. (MD) No.15434 of 2017
17.08.2017

SRM

AM/SV MMS/SAR 4/18.08.2017/4P/5C