



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15508 of 2017

WEB COPY

K.Govindan

... Petitioner

-Vs-

1.The Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
Raganathapuram Police Station,
Raganathapuram,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 12.08.2017 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 PM to 12.00 PM on 23.08.2017 in temple namely "Shree Selliamman Kovil" at Panthuvakottai Village, Karambakudi Taluk, Pudukkottai District.

For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.S.Sadhishkumar
Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus seeking a direction to the second respondent to consider the petitioner representation dated 12.08.2017 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 PM to 12.00 PM on 23.08.2017 in temple namely "Shree Selliamman Kovil" at Panthuvakottai Village, Karambakudi Taluk, Pudukkottai District.

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 the villagers jointly decided to conduct the "Kiramiya Isai and Aadal Padal" Programme on 23.08.2017 at 06.00 PM to 12.00 PM in the temple namely "Shree Selliamman Kovil" at Panthuvakottai Village, Karambakudi Taluk, Pudukkottai District.



Pudukkottai District. He further submitted that in this connection, a representation was given to the respondent on 12.08.2017 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.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Kiramiya Isai and Aadal Padal" 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 second respondent/The Inspector of Police, Raganathapuram Police Station, Pudukkottai District, is directed to consider the representation of the petitioner, dated 12.08.2017 and to give permission and to provide police protection for "Kiramiya Isai and Aadal Padal" Programme in connection with the "Aavani Pongal Festival" of "Shree Selliamman Kovil" at Panthuvakottai Village, Karambakudi Taluk, Pudukkottai District, scheduled to be held on 23.08.2017, subject to the following conditions;

(a) the "Kiramiya Isai and Aadal Padal" Programme in connection with the "Aavani Pongal Festival" of "Shree Selliamman Kovil" at Panthuvakottai Village, Karambakudi Taluk, Pudukkottai District, scheduled to be held on 23.08.2017, should be completed before 10.30 p.m or as allowed by the second respondent.

(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 the 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(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
Raganathapuram Police Station,
Raganathapuram,
Pudukkottai District.

+1cc to Mr.C.Jeyaprakash,Advocate,SR.73265

+1cc to M/S.Special Government Pleader,SR.73478

W.P.(MD) No. 15508 of 2017
18.08.2017

CMR/RMK

KK/SV MMS/SAR3-22.08.2017-3P-5C