



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 15510 of 2017

K.Muniyasamy

.. Petitioner

-Vs-

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

2.The Inspector of Police,
Keelakarai Police Station,
Keelakarai,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner representation dated 16.08.2017 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 30.08.2017 in temple namely "Shree Muthumariamman Kovil" at Keelavalasai Village, Kanjirangudi Post, Keelakarai Taluk, Ramanathapuram District.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.S.Sadhishkumar,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the second respondent to consider the petitioner representation dated 16.08.2017 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 30.08.2017 in temple namely "Shree Muthumariamman Kovil" at Keelavalasai Village, Kanjirangudi Post, Keelakarai Taluk, Ramanathapuram 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 "Kiramiya Isai and Aadal Padal" on 30.08.2017 in connection with a "Aavani Pongal Festival" in "Shree Muthumariamman Kovil" at Keelavalasai Village, Kanjirangudi Post, Keelakarai Taluk, Ramanathapuram District. He further submitted that in this connection, a representation was given to the respondent on 16.08.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the respondent has not taken any action in this regard. Hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents on instructions submitted that this Court may grant permission for "Kiramiya Isai and Aadal Padal" subject to stringent conditions.

5. Considering the facts and circumstances of the case, Writ petition is allowed with the following direction:-

The second respondent/The Inspector of Police, Keelakarai Police Station, Keelakarai, Ramanathapuram District, is directed to consider the representation of the petitioner, dated 02.08.2017 and to give permission and to provide police protection for "Kiramiya Isai and Aadal Padal" in connection with a "Aavani Pongal Festival" in "Shree Muthumariamman Kovil" at Keelavalasai Village, Kanjirangudi Post, Keelakarai Taluk, Ramanathapuram District, subject to the following conditions;

(a) the "Kiramiya Isai and Aadal Padal" in connection with a "Aavani Pongal Festival" in "Shree Muthumariamman Kovil" at Keelavalasai Village, Kanjirangudi Post, Keelakarai Taluk, Ramanathapuram District, should be completed before 10.30 p.m. or within the time permitted by the second respondent.

(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.

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,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Keelakarai Police Station,
Keelakarai,
Ramanathapuram District.

+One cc to M/s.C.Jeyaprakash, Advocate, SR.No.73266

+One cc to The Special Government Pleader, SR.No.73480

rmk/cmr

RL/5C/3P/KK/SAR3/28/8/2017

W.P(MD) No. 15510 of 2017

18.08.2017