



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15753 of 2017

Kanthasamy

... Petitioner

-Vs-

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

2.The Inspector of Police,
Alangulam 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 to grant permission to perform the Chandamelam at Alangulam Village, Alangulam Taluk, Tirunelveli District on 26.08.2017 during Vinayagar Sadurthi Oorvalam at 06.00p.m to 10.00 p.m by considering the petitioner representation dated 09.08.2017.

For Petitioner : Mr.R.Mathaselvam

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

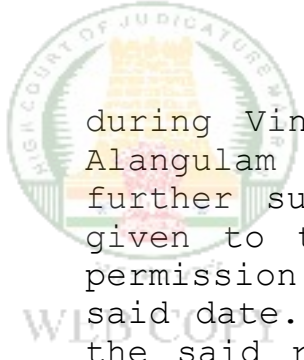
O R D E R

This Writ petition has been filed for issuing a Writ of Mandamus, directing the respondents to grant permission to perform the Chandamelam at Alangulam Village, Alangulam Taluk, Tirunelveli District on 26.08.2017 during Vinayagar Sadurthi Oorvalam at 06.00p.m to 10.00 p.m by considering the petitioner representation dated 09.08.2017.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Chandamelam on 26.08.2017



during Vinayagar Sadurthi Oorvalam at 06.00p.m to 10.00 p.m at Alangulam Village, Alangulam Taluk, Tirunelveli District . He further submitted that in this connection, a representation was given to the respondent on 09.08.2017, 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 Special Government Pleader on instruction submitted that there is no serious issues regarding grant of permission to conduct festival on Vinayagar Sathurthi and the precession. However, the second respondent has given stringent conditions stating that the permission cannot be granted in certain places, which may create some problem, not only in terms of public nuisance but in terms of maintaining communal harmony.

5. Considering the facts and circumstances of the case this Court is inclined to pass the following directions:

This Writ Petition is disposed of.

The second respondent/The Inspector of Police, Alangulam Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 09.08.2017 and to give permission and to provide police protection for "Chandamelam" at Alangulam Village, Alangulam Taluk, Tirunelveli District, subject to the following conditions;

(a) the "Chandamelam" on 26.08.2017 at Alangulam Village, Alangulam Taluk, Tirunelveli District should be performed only in the places allowed by the second respondent;

(b) the petitioner shall organize the precession and Chandamelam only in the root prescribed by the second respondent;

(c) the second respondent is at liberty to prescribe the root and also to restrict playing Chandamelam in specific places in order to maintain peace, to avoid public nuisance and to maintain communal harmony;

(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;

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(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(CS-II)

/True Copy/

Sub Assistant Registrar.

To

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

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

+1CC to Mr.R.Mathavaselvam, Advocate, SR.No.73951

+1CC to the Special Government Pleader SR.No. 74608

W.P.(MD) No. 15753 of 2017
22.08.2017

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JM/SV MMS/SAR 1/24.08.2017/3P/5C