



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.08.2017
CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR
W.P. (MD) No.15819 of 2017

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P.Rajan

... Petitioner

-Vs-

The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission to conduct "Villisai" on 27.08.2017 to 29.08.2017 from 08.00 p.m., to 03.00 a.m., and Karakattam on 29.08.2017 on the eve of "Kodai Festival" in Arulmigu Sree Vada Pathrakali Amman Temple, situated in A.Thirumalapuram Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.A.K.Baskarapandiyan,
Special 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 respondent to grant permission to conduct "Villisai" from 27.08.2017 to 29.08.2017, from 08.00 p.m., to 03.00 a.m., and Karakattam on 29.08.2017, on the eve of "Kodai Festival" in Arulmigu Sree Vada Pathrakali Amman Temple, situated at A.Thirumalapuram Village, Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation, dated 19.08.2017.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Villisai" programme from 27.08.2017 to 29.08.2017, from 08.00 p.m., to 03.00 a.m., and "Karakattam" on 29.08.2017 in connection with "Kodai festival" in "Arulmigu Sree Vada Pathrakali Amman Temple", at A.Thirumalapuram Village, Radhapuram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to



the respondent on 19.08.2017, with a request to grant permission and protection to conduct the programme on the above said dates. However, the respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

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4.The learned Special Government Pleader appearing for the respondent, on instructions, submitted that during the previous year there was some incident in connection with the said Temple Festival and a First Information Report was registered and he also produced a copy of the same. The First Information Report in Cr.No.282 of 2016, dated 01.09.2016 is about a complaint given by one Santhosh Megaraja S/o. Senaithurai. The complainant stated that he was a daily coolie and that his father is a "Poojari" in the above said Temple. It is further stated that on 30.08.2016, while the Temple Car was coming near the house of the accused, who is the petitioner herein, they assaulted the complainant. The entire complaint does not refer to any objection with regard to the Temple Car procession connected to the said function. In such circumstances this Court has convinced that registration of FIR last year is not a ground to deny the permission. Every citizen of this country has got right to assemble for conducting Temple festival or any lawful purpose. Unless the assembling is unlawful and likelihood of affecting the public peace and tranquillity, the respondent cannot prohibit but only regulate. In view of the registration of First Information Report, during the last year, it is open to the respondent to prescribe any specific route for the Temple Car Procession, if there is mass objection or there is likelihood of law and order problem, on account of Temple Car Procession taken through a particular street or place. The customary practice that is being followed by the villagers should also be taken into account before imposing any restriction.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

"The respondent/The Inspector of Police, Valliyoor Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 19.08.2017 and to give permission and to provide police protection for "Villisai" programme and karakattam in connection with "Kodai" festival in "Arulmigu Sree Vada Pathrakali Amman Temple", at A.Thirumalapuram Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held from 27.08.2017 to 29.08.2017 from 08.00 p.m., to 03.00 a.m., subject to the following conditions;

(a) the "Villisai" and "Karakattam" programme in connection with the "Kodai" festival in "Arulmigu Sree Vada Pathrakali Amman Temple", at A.Thirumalapuram Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held from 27.08.2017 to 29.08.2017 should be completed before 10.30 p.m., or the time limit



that may be specified by the respondent Police to maintain public order;

(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 or community 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 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. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

+1CC TO Mr.C.K.M.APPAJI, ADVOCATE, SR NO.24089
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.74648

W.P. (MD) No.15819 of 2017
23.08.2017

MS/CM-MSA/SAR.1/24.08.2017/3P.4C