



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 15947 of 2017

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M.Ramasamy

... Petitioner

-Vs-

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

2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
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 give permission and protection for conducting Nattupura Kramiya Kalai Nekalchi (programme) on 29.08.2017 at 8.00 pm to 2.00 am in connection with Arulmigu Sri Muthumariamman Temple at Muniyanvalasai Village, Kuyavankudi Panchayat, Mandapam-Union, Ramanathapuram District, by considering the petitioner's representation dated 18.08.2017.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : Mr.S.Sadhishkumar

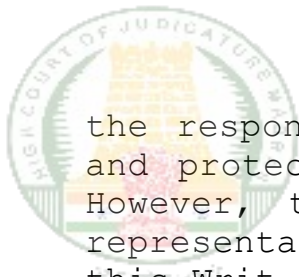
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus directing the second respondent to give permission and protection for conducting Nattupura Kramiya Kalai Nekalchi (programme) on 29.08.2017 at 8.00 pm to 2.00 am in connection with Arulmigu Sri Muthumariamman Temple at Muniyanvalasai Village, Kuyavankudi Panchayat, Mandapam-Union, Ramanathapuram District, by considering the petitioner's representation dated 18.08.2017.

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 Nattupura Kramiya Kalai Nekalchi (programme) on 29.08.2017 in connection with Arulmigu Sri Muthumariamman Temple at Muniyanvalasai Village, Kuyavankudi Panchayat, Mandapam-Union, Ramanathapuram District,. He further submitted that in this connection, a representation was given to



the respondent on 18.08.2017, 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.

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4. The learned Additional Government Pleader appearing for the respondent submitted that the respondents police has raised objection in this case only with regard to timing. He would further submit that the permission cannot be granted beyond 11.30 pm.

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

The 2nd respondent / The Inspector of Police, Kenikarai Police Station, Ramanathapuram, Ramanathapuram District, is directed to consider the representation of the petitioner, dated 18.08.2017 and to give permission and to provide police protection for "Nattupura Kramiya Kalai Nekalchi (programme)" on 29.08.2017 in connection with Arulmigu Sri Muthumariamman Temple at Muniyanvalasai Village, Kuyavankudi Panchayat, Mandapam-Union, Ramanathapuram District, scheduled to be held on 29.08.2017, subject to the following conditions;

(a) the "Nattupura Kramiya Kalai Nekalchi (programme)" in connection with Arulmigu Sri Muthumariamman Temple at Muniyanvalasai Village, Kuyavankudi Panchayat, Mandapam-Union, Ramanathapuram District, scheduled to be held on 29.08.2017 should be completed before 11.30 p.m.

(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;

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

(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. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to M/S.D.Balamurugapandi, Advocate SR.No. 74476
+1cc to Special Government Pleader, SR.No. 74893

W.P.(MD) No. 15947 of 2017
24.08.2017

TRP

JM/SV MMS/SAR 3/28.08.2017/3P/5C