

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) No.16070 of 2017

E.Thangapandi

... Petitioner

Vs.

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

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

... Respondents

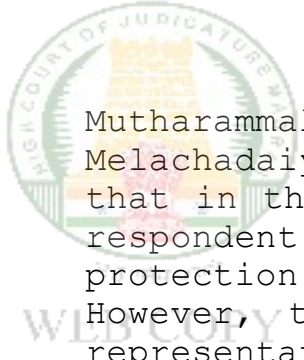
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to grant permission and police protection to conduct religious function from 28.08.2017 to 30.08.2017 at about 10.00 p.m to 3.00 a.m and non religious function ie. Karakattam programme on 29.08.2017 at Sri Mutharammal Kovil Festival at Vengatrengapuram Village, Melachadaiyamankulam, Tirunelveli District for enabling minimum level of sound service within the campus of the temple in the light of the petitioner's representation, dated 21.08.2017.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.**O R D E R**

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus directing the second respondent to grant permission and police protection to conduct religious function from 28.08.2017 to 30.08.2017 at about 10.00 p.m to 3.00 a.m and non religious function ie. Karakattam programme on 29.08.2017 at Sri Mutharammal Kovil Festival at Vengatrengapuram Village, Melachadaiyamankulam, Tirunelveli District for enabling minimum level of sound service within the campus of the temple in the light of the petitioner's representation, dated 21.08.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct religious function from 28.08.2017 to 30.08.2017 at about 10.00 p.m to 3.00 a.m and non religious function ie. Karakattam programme on 29.08.2017 at Sri



Mutharammal Kovil Festival at Vengatrengapuram Village, Melachadaiyamankulam, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 21.08.2017, 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.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner will be given permission to conduct all the religious function as per the custom and practice in the temple so far. However, the permission cannot be granted beyond 11.00 p.m to all the cultural programmes. The petitioner in the representation, dated 21.08.2017 for want of permission for the cultural event (Villisai) programme from 9.00 p.m and the permission was also sought for Karakattam to be conducted on 29.08.2017 after 9.00 p.m.

5. Considering the representation of the petitioner and the submissions of the learned Special Government Pleader, this Court is inclined to pass the following order :

a) The second respondent/Inspector of Police, Pathamadai Police Station, Tirunelveli District is directed to give permission and to provide police protection to the performance of cultural event (Villisai) on 28.08.2017 and for conduct of Karakattam on 29.08.2017 subject to the condition that both the events should be completed before 11.00 p.m in connection with the festival in Sri Mutharammal Kovil Festival at Vengatrengapuram Village, Melachadaiyamankulam, Tirunelveli District.

b) With regard to the religious functions, the second respondent shall consider the petitioner's representation, dated 21.08.2017 and provide adequate police protection to all the religious functions, taking into account, the custom, practice and other aspects, particularly the religious sentiments, the villagers have in this regard.

c) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(d) double meaning songs should not be played so as to spoil the minds of students and the youth;

(e) no dance or songs, touching upon any political party or religion, community or caste be played;

(f) no flex boards in support of any political party or religious leader be erected;



(g) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(h) 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;

(i) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(j) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(k) 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.

7. The petitioner shall pay a cost of Rs.2,000/- (Rupees Two Thousand only) to the credit of the Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, by today before 4.30 p.m, failing which, the order copy shall not be furnished today.

8. Accordingly, this writ petition is disposed of.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to M/S. S.KRISHNAN, Advocate, SR.No.74820.

W.P. (MD) No.16070 of 2017

28.08.2017