



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM

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

W.P.(MD) No. 16215 of 2017

WEB COPY

P.Kaliyamoorthy

... Petitioner

-Vs-

1.The Superintendent of Police,
Thanjavur City,
Thanjavur.

2.The Sub-Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents to grant permission for conducting the "Karagattam" on 06.09.2017 at 08.00 p.m and "Adal Padal" on 07.09.2017 at 07.00 p.m. to 11.00 p.m at Sri Kamachiamman Thirukovil situated at Rettipalaiyam, Ramanathapuram Village, Thanjavur District based on the petitioner's representation, dated 21.08.2017.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.S.Sathish Kumar
Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondents to grant permission for conducting the "Karagattam" on 06.09.2017 at 08.00 p.m and "Adal Padal" on 07.09.2017 at 07.00 p.m. to 11.00 p.m at Sri Kamachiamman Thirukovil situated at Rettipalaiyam, Ramanathapuram Village, Thanjavur District based on the petitioner's representation, dated 21.08.2017.

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 "Karagattam" on 06.09.2017 at 08.00 p.m and "Adal Padal" on 07.09.2017 at 07.00 p.m. to 11.00 p.m at Sri Kamachiamman Thirukovil situated at Rettipalaiyam, Ramanathapuram Village, Thanjavur 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 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 Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for "Karagattam" and "Adal Padal" programme subject to stringent conditions.

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

The second respondent/The Sub Inspector of Police, Kallaperambur Police Station, Thanjavur District, is directed to consider the representation of the petitioner, dated 21.08.2017 and to give permission and to provide police protection for "Karagattam" and "Adal Padal" programme in connection with yearly festival of Sri Kamachiamman Thirukovil situated at Rettipalaiyam, Ramanathapuram Village, Thanjavur District, scheduled to be held "Karagattam" on 06.09.2017 at 08.00 p.m and "Adal Padal" on 07.09.2017 at 07.00 p.m. to 11.00 p.m, subject to the following conditions;

*(a) the "Karagattam" and "Adal Padal" programme in connection with the yearly festival of Sri Kamachiamman Thirukovil situated at Rettipalaiyam, Ramanathapuram Village, Thanjavur District, scheduled to be held on 06.09.2017 and 07.09.2017 should be completed before **10.30 p.m.** or within the time permitted by the second respondent.*

(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;



(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 the second 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,
Thanjavur District,
Thanjavur.

2.The Sub-Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO. 75770

+1cc to Mr.K.M.KARUNAKARAN Advocate in SR. NO. 75101

LS/CMR

JS/JC/SAR.2/1.9.2017/3P-5C

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