



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.16231 of 2017

L.K.Sudalaikannu

... Petitioner

-vs-

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Marugalkurichi 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 herein to give necessary and adequate Police Protection for conducting "Kalnattu Vizha" which is fixed on 01.09.2017 and the Temple Utsava Umbrella Festival on 08.09.2017 for Arulmigu Malaiyandi Temple by considering petitioner's representation dated 12.08.2017.

For Petitioner : Mr.A.Thirumurthy

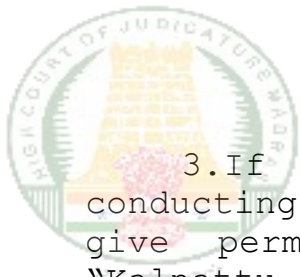
For Respondents : Mr.S.Sadhiskumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the respondents herein to give necessary and adequate Police Protection for conducting "Kalnattu Vizha" which is fixed on 01.09.2017 and the Temple Utsava Umbrella Festival on 08.09.2017 for Arulmigu Malaiyandi Temple by considering petitioner's representation dated 12.08.2017.

2.When similar writ petition was filed by the same petitioner in respect of the Puthu Amman Temple, it was brought to the notice that there is some dispute in placing the "Kalnattu Vizha" in the temple and this Court was pleased to direct the second respondent to consider the representation of the petitioner dated 10.08.2017 and pass appropriate orders on merits. Following the same, the second respondent is directed to consider the petitioner's representation dated 12.08.2017 and pass appropriate orders on merits on or before 30.08.2017.



3.If there is no objection from any other person for conducting the festival, it is open to the respondent police to give permission and adequate protection for conducting the "Kalnattu Vizha" and other function in relation to the Temple Utsava Umbrella Festival, as per the dates mentioned in the representation, subject to the usual conditions to maintain law and order and communal harmony and also subject to the following conditions:

(a) "Kalnattu Vizha" as well as Temple Utsava Umbrella Festival for Arulmigu Malaiyandi Temple, situated at Marukal Kurichi, Nanguneri scheduled to be held on 01.09.2017 and 08.09.2017 respectively, should be completed as per the time fixed by the second respondent taking into account, the practice, custom and other aspects.

(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 dance 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.

4.It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community.



5. With the above direction, the Writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar.

To:

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Marugalkurichi Police Station,
Tirunelveli District.

+1CC to Mr.A.Thirumurthy, Advocate, SR.No. 75149

W.P. (MD) No.16231 of 2017
29.08.2017

cmr/lis

AM/SV MMS/SAR 3/30.08.2017/3P/4C