



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

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

W.P.(MD) No.16331 of 2017

G.Esakki

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,
Veerakeralampudur 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 to grant permission and protection for "Chenda Melam" Perform by "Alangulam Muthamil Dance Group" in "Kodai Vizha" Scheduled to be held on 05.09.2017 at Arulmigu Sri Uchimahaliyamman Thirukovil at V.K.Pudur, V.K.Pudur Taluk, Tirunelveli District by considering the petitioner's representation, dated 22.08.2017.

For Petitioner : Mr.S.Lawrence Vimalraj

For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus directing the respondents to grant permission and protection for "Chenda Melam" perform by "Alangulam Muthamil Dance Group" in "Kodai Vizha" scheduled to be held on 05.09.2017, at Arulmigu Sri Uchimahaliyamman Thirukovil, at V.K.Pudur, V.K.Pudur Taluk, Tirunelveli District, by considering the petitioner's representation, dated 22.08.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

<https://hcservices.courts.tn.nic.in/hcservices>
3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Chenda Melam" programme on 05.09.2017 in connection with "Kodai Vizha" festival in Arulmigu



Sri Uchimahaliyamman Thirukovil at V.K.Pudur, V.K.Pudur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 22.08.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second 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 respondents submitted that this Court may grant permission for "Chenda Melam" 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, Veerakeralampudur Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 22.08.2017 and to give permission and to provide police protection for "Chenda Melam" programme in connection with "Kodai Vizha" festival in Arulmigu Sri Uchimahaliyamman Thirukovil at V.K.Pudur, V.K.Pudur Taluk, Tirunelveli District, scheduled to be held on 05.09.2017, subject to the following conditions;

(a) the "Chenda Melam" programme in connection with the "Kodai Vizha" festival in Arulmigu Sri Uchimahaliyamman Thirukovil at V.K.Pudur, V.K.Pudur Taluk, Tirunelveli District, scheduled to be held on 05.09.2017 should be completed before 10.30 p.m., or as may be directed by the second respondent police.

(b) The time for performance should be strictly adhered as per the instructions given by the second respondent police. It is open to the second respondent to restrict the performance of "Chenda Melam" so as to avoid any nuisance or complaint from other quarters.

(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;

<https://hcservices.ecourts.gov.in/hcservices/> 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 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 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(CS-I)

/True Copy/

Sub Assistant Registrar.

To

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

2.The Sub-Inspector of Police,
Veerakeralampudur Police Station,
Tirunelveli District.

+1CC to Mr.S.Lawrence Vimalraj, Advocate, SR.No. 75479

+1CC to the Special Government Pleader SR.No. 75724

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30.08.2017