



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM

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

W.P.(MD) No.16338 of 2017

Murugesan

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to conduct cultural programmes "Adal Padal", "Pattimandram", "Innisai Katcheri" and Drama in connection with "Festival" at Arulmighu Sree Mariamman, Sree Kalamman Thirukovil, Kadayalurutti, Kadayanalloor Taluk, Tirunelveli District, scheduled to be held from 27.09.2017 to 04.10.2017 between 09.00 p.m. to 01.00 a.m.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Sadhish kumar
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus directing the respondents to grant permission to conduct cultural programmes "Adal Padal", "Pattimandram", "Innisai Katcheri" and Drama in connection with "Festival" at "Arulmighu Sree Mariamman, Sree Kalamman Thirukovil", Kadayalurutti, Kadayanalloor Taluk, Tirunelveli District scheduled to be held from 27.09.2017 to 04.10.2017 between 09.00 p.m. to 01.00 a.m.

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 "Adal Padal", "Pattimandram", "Innisai Katcheri" and Drama in connection with a festival at Arulmighu Sree Mariamman, Sree Kalamman Thirukovil, Kadayalurutti, Kadayanalloor Taluk, Tirunelveli District,



scheduled to be held from 27.09.2017 to 04.10.2017. He further submitted that in this connection, a representation was given to the second respondent on 24.08.2017, 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 "Adal Padal", "Pattimandram", "Innisai Katcheri" and Drama programmes 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 Inspector of Police, Sernthamaram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 24.08.2017 and to give permission and to provide police protection for "Adal Padal", "Pattimandram", "Innisai Katcheri" and Drama programmes in connection with a festival at Arulmighu Sree Mariamman, Sree Kalamman Thirukovil, Kadayalurutti, Kadayanalloor Taluk, Tirunelveli District, scheduled to be held on 27.09.2017 to 04.10.2017, subject to the following conditions;

*(a) the "Adal Padal", "Pattimandram", "Innisai Katcheri" and Drama programme in connection with a festival at Arulmighu Sree Mariamman, Sree Kalamman Thirukovil, Kadayalurutti, Kadayanalloor Taluk, Tirunelveli District, scheduled to be held on 27.09.2017 to 01.10.2017 should be completed before **11.00 p.m.**, on each day or as may be directed by the second respondent police.*

(b) regarding the "Chendai Melam" programme, in connection with a festival at Arulmighu Sree Mariamman, Sree Kalamman Thirukovil, Kadayalurutti, Kadayanalloor Taluk, Tirunelveli District, scheduled to be held on 02.10.2017 to 04.10.2017 the second respondent is given liberty to regulate the performance. In other words, there can be a restriction to perform the "Chendai Melam" in certain places where the performance of such "Chendai Melam" will cause nuisance or inconvenience to the public.

(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 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

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to M/S.S.SIVA KUMAR, Advocate SR.No.75462

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.75716

JS/GT/SAR1:08.09.2017:3P-5C

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W.P. (MD) No. 16338 of 2017
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