



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

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

W.P.(MD) No.16451 of 2017

K.Shanmugavel

... Petitioner

-Vs-

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

2.The Inspector of Police,
Thisaiyanvilai 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 herein to give permission and police protection for conducting temple festival of Arulmigu Sri Santhana Mariamman Temple events on 05.09.2017 09.00 p.m., to 1.00 a.m., on 06.09.2017 and other programmes and "Aadal Padal" scheduled to be held on 06.09.2017 from 10.00 a.m., to 12.00 (Midnight) at Arulmigu Sri Santhana Mariamman Temple, Thangammalpuram, Radhapuram Taluk, Tirunelveli District, based upon the petitioner's representation, dated 29.08.2017.

For Petitioner : Mr.P.Banuprasath

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 herein to give permission and police protection for conducting temple festival of Arulmigu Sri Santhana Mariamman Temple events on 05.09.2017 09.00 p.m., to 1.00 a.m., on 06.09.2017 and other programmes and "Aadal Padal" scheduled to be held on 06.09.2017 from 10.00 a.m., to 12.00 (Midnight) at Arulmigu Sri Santhana Mariamman Temple, Thangammalpuram, Radhapuram Taluk, Tirunelveli District, based upon the petitioner's representation, dated 29.08.2017.

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

3. Though the permission was granted earlier by this Court in W.P.(MD)No.14330 of 2017, by an order dated 18.08.2017, to conduct the festival and cultural events on 21.08.2017 to 24.08.2017, the learned counsel for the petitioner submitted that the key of the temple was handed over by the Tahsildar concerned only on 21.08.2017 and the festival and cultural programmes could not be conducted.

4. The learned counsel for the petitioner further submitted that a fresh representation was given to the respondents on 29.08.2017, as the villagers jointly decided to conduct temple festival of "Arulmigu Sri Santhana Mariamman" Temple on 05.09.2017 and other programmes and "Adal Padal" on 06.09.2017 in "Arulmigu Sri Santhana Mariamman" Temple, Thangammalpuram, Radhapuram Taluk, Tirunelveli District. However, the respondents have not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

5. The learned Additional Government Pleader appearing for the respondents submitted that he has no serious objection for conducting temple festival, other cultural programmes and "Adal Padal". He further submitted that this Court may grant permission for "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:

i) The second respondent/The Inspector of Police, Thisaiyanvilai Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 29.08.2017 and to give permission and to provide police protection for temple festival of Arulmigu Sri Santhana Mariamman Temple and other cultural programmes, scheduled to be held on 05.09.2017 and 06.09.2017.

ii) The second respondent is also directed to consider the representation of the petitioner, dated 29.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with a festival in "Arulmighu Sri Santhanana Mariamman" Temple, Thangammalpuram, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 06.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with "Arulmighu Sri Santhana Mariamman Temple, Thangammalpuram, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 06.09.2017, should be completed before 10.30 p.m or as may be directed by the second respondent police.



(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(CS-I)

/True Copy/

Sub Assistant Registrar.

To

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

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

+1CC to Mr.P.Banuprasath, Advocate, SR.No. 75739

+1CC to the Special Government Pleader SR.No. 76098

W.P.(MD) No.16451 of 2017

31.08.2017