



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARW.P.(MD) No.16458 of 2017

WEB COPY

P.Ramamoorthy

... Petitioner

-Vs-

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

2.The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Sivagiri Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to grant permission and protection for Pongal Paanai Celebration, Pongal and Annathanam Celebration, Manchal Neerattu, Abinaya Suruthi Adal Padal, 8th day Pooja Celebration on 01.09.2017, 02.09.2017, 03.09.2017 and 09.09.2017 respectively and the above third day of the event of Abinaya Suruthi Adal Padal will be started at about 8.45 pm., for the duration of 3 hrs (Three hours) for Arulmigu Sree Pattatharasi Mariamman Temple's kodai festival at the petitioner's village, namely, Viswanathaperi, Sivagiri Taluk, Tirunelveli District.

For Petitioner : Mr.C.Baskaran

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 second respondent to grant permission and protection for "Pongal Paanai" Celebration, "Pongal" and "Annathanam" Celebration, "Manchal Neerattu", "Abinaya Suruthi Adal Padal", 8th day Pooja Celebration on 01.09.2017, 02.09.2017, 03.09.2017 and 09.09.2017 respectively and the above third day of the event of "Abinaya Suruthi Adal Padal" will be started at about 8.45 p.m., for the duration of 3 hours in connection with "Arulmigu Sree Pattatharasi Mariamman" Temple's Kodai festival, at Viswanathaperi, Sivagiri Taluk, Tirunelveli District.



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 "Pongal Paanai" Celebration, "Pongal" and "Annathanam" Celebration, "Manchal Neerattu", "Abinaya Suruthi Adal Padal" and 8th day Pooja Celebration programme on 01.09.2017, 02.09.2017, 03.09.2017 and 09.09.2017 respectively in connection with "Kodai" festival in "Arulmighu Sree Pattatharasi Mariamman Temple", at Viswanathaperi, Sivagiri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondents on 21.08.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondents police have 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" 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, Sivagiri Police Station, Sivagiri Taluk, Tirunelveli District, is directed to consider the representation of the petitioner, dated 21.08.2017 and to give permission and to provide police protection for **"Pongal Paanai" Celebration, "Pongal" and "Annathanam" Celebration, "Manchal Neerattu", and 8th day Pooja Celebration** programmes in connection with "Kodai" festival in Arulmigu Sree Pattatharasi Mariamman Temple, Viswanathaperi, Sivagiri Taluk, Tirunelveli District, scheduled to be held on 01.09.2017, 02.09.2017 and 09.09.2017 respectively.

ii) The second respondent is also directed to consider the representation of the petitioner, dated 21.08.2017 and to give permission and to provide police protection for **"Abinaya Suruthi Adal Padal"** in connection with "Kodai" festival in Arulmigu Sree Pattatharasi Mariamman Temple, Viswanathaperi, Sivagiri Taluk, Tirunelveli District, scheduled to be held on 03.09.2017, subject to the following conditions;

(a) the **"Abinaya Suruthi Adal Padal"** programme in connection with "Kodai" festival in Arulmigu Sree Pattatharasi Mariamman Temple, Viswanathaperi, Sivagiri



Taluk, Tirunelveli District, scheduled to be held on 03.09.2017, should be completed before **10.30 p.m** or as may be directed by the second respondent police.

WEB COPY (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

/True copy/

Sub Assistant Registrar



To

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

2.The Inspector of Police, Sivagiri Police Station,
Sivagiri, Sivagiri Taluk, Tirunelveli District.

+1cc to Mr.V.ILANCHEZIAN,Advocate,SR. 75660

W.P. (MD) No.16458 of 2017
31.08.2017

pmu/lis

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