



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

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

W.P. (MD) No.16670 of 2017

WEB COPY

R.Alagesan

... Petitioner

-Vs-

1. The Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.

2. The Inspector of Police,
Narikudi
Virudhunagar 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 protection for the peaceful conduct of festival including Puravi Edapu at Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple scheduled to be held on 18.09.2017 to 26.09.2017 at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to grant protection for the peaceful conduct of festival including Puravi Edapu at Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple scheduled to be held on 18.09.2017 to 26.09.2017 at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct of festival including Puravi Edapu at Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple scheduled to be held on 18.09.2017 to



26.09.2017 at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District. He further submitted that in this connection, a representation was given to the respondents on 28.08.2017, 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 counsel for the petitioner stated that petitioner is conducting the festival, known as Puravi Edapu, in the village known as V.Karisalkulam Village in the temples namely Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple. It is further stated that this festival is being conducted every year in the month of "Purattasi". The learned counsel appearing for the petitioner also pointed out that in previous orders of this Court in W.P.(MD)No.15860 of 2014, W.P.(MD)No.16712 of 2015 and W.P(MD)No.16189 of 2016 has granted permission and directed to provide police protection for the festival.

5.Having regard to the fact that the petitioner's right to celebrate the festival is recognized by this Court during past, this Court is inclined to direct the respondents to grant permission and to give police protection to the petitioner to conduct the Puravi Edapu at Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple from 18.09.2017 to 26.09.2017 at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District.

4. The learned Special Government Pleader appearing for the respondents submitted that this Court may grant permission, 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, Narikudi, Virudhunagar District, is directed to consider the representation of the petitioner, dated 28.08.2017 and to give permission and to provide police protection for Puravi Edapu at Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple situated at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District, scheduled to be held on 18.09.2017 to 26.09.2017, subject to the following conditions;

(a) the "Puravi Edapu" in connection with Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar temple situated at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District, scheduled to be held on 18.09.2017 to 26.09.2017, should be conducted in a peaceful manner;



(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 Deputy Superintendent of Police,
Thiruchuli, Virudhunagar District.

2. The Inspector of Police,
Narikudi
Virudhunagar District.

+1cc to M/S.R, KARTHIKEYAN, Advocate SR.No.76710

ls/ta

MAS/SV-MMS/SAR2:11.09.2017:3P-4C

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05.09.2017