



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.16762 of 2017

R.Vairavan

... Petitioner

Vs.

1.The Superintendent of Police,
Thirunelveli District,
Palalyamkottai,
Thirunelveli District.

2. The Inspector of Police,
Kadaiyam Police Station,
Thirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to give the permission and protection for conducting "Kotaivizha" for that on 03.09.2017 "Kappu Kattuthal" then on 10.09.2017 at about 5.00 to 7.30 p.m taking holy water from the Pabanasam thereafter "Arkestra" on 8.00 p.m on wards. Thereafter 10.00 p.m "Villupattu, then at about 12.00 a.m "Samakodaivilzha" in "Sri Ramasamy Temple" at Pungampatti Village, Kadayam, Ambasamithram Taluk, Thirunelveli District. By considering the petitioner's representation dated 31.08.2017.

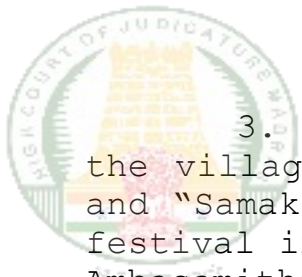
For Petitioner : Mr.A.Thirumalaiappan

For Respondents : MrS.Sadhish Kumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the 2nd respondent herein to give the permission and protection for conducting "Kotaivizha" for that on 03.09.2017 "Kappu Kattuthal" then on 10.09.2017 at about 5.00 to 7.30 p.m taking holy water from the Pabanasam thereafter "Arkestra" on 8.00 p.m on wards. Thereafter 10.00 p.m "Villupattu", then at about 12.00 a.m "Samakodaivilzha" in "Sri Ramasamy Temple" at Pungampatti Village, Kadayam, Ambasamithram Taluk, Thirunelveli District. By considering the petitioner's representation dated 31.08.2017.

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



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Arkestra", "Villupattu" and "Samakodaivilzha" programme on 10.09.2017 in connection with a festival in "Sri Ramasamy Temple" at Pungampatti Village, Kadayam, Ambasamithram Taluk, Thirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 31.08.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Government Pleader appearing for the respondents submitted that this Court may grant permission for "Arkestra", "Villupattu" and "Samakodaivilzha" 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 Inspector of Police, Kadaiyam Police Station, Thirunelveli District, is directed to consider the representation of the petitioner, dated 31.08.2017 and to give permission and to provide police protection for "Arkestra", "Villupattu" and "Samakodaivilzha" programme in connection with "Kotaivizha" festival in "Sri Ramasamy Temple" at Pungampatti Village, Kadayam, Ambasamithram Taluk, Thirunelveli District, scheduled to be held on 10.09.2017, subject to the following conditions;

(a) the "Arkestra" programme in connection with the "Kotaivizha" festival in "Sri Ramasamy Temple" at Pungampatti Village, Kadayam, Ambasamithram Taluk, Thirunelveli District, scheduled to be held on 10.09.2017 should be completed before **10.30 p.m** or as may be permitted by the respondent police.

(b) "Villupattu" shall be conducted till 12.00 a.m and the "Samakodaivilzha", midnight Kodai Pooja festival shall be performed till 1.00 a.m on the next day i.e on 11.09.2017 or as may be permitted by the respondent police.

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no 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;

<https://hcservices.ecourts.gov.in/hcservices/> 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 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,
Palalyamkottai, Tirunelveli District.

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

+2cc to M/S.A.THIRUMALAIAPPAN, Advocate SR.No.76819

dss/trp

MAS/RSK/SAR1:08.09.2017:3P-5C

W.P. (MD) No. 16762 of 2017

06.09.2017