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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

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

W.P. (MD) No.16887 of 2017

Murugesan

... Petitioner

-Vs-

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

... Respondent

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 for put up speaker (sound service system) in connection with the "Purattasi Festival" in Arulmigu Sri Therukku Mariamman Kovil at Rayagiri Village, Sivagiri Taluk, Tirunelveli District scheduled to be held on 07.10.2017 to 12.10.2017 at till 11.00 p.m. by considering the petitioner's representation dated 21.08.2017.

For Petitioner : Mr.M.Muthukumar

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 for put up speaker (sound service system) in connection with the "Purattasi Festival" in Arulmigu Sri Therukku Mariamman Kovil at Rayagiri Village, Sivagiri Taluk, Tirunelveli District scheduled to be held on 07.10.2017 to 12.10.2017 at till 11.00 p.m. by considering the petitioner's representation dated 21.08.2017.

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 to grant permission for put up speaker (sound service system) in connection with the "Purattasi Festival" in Arulmigu Sri Therukku Mariamman Kovil at Rayagiri Village, Sivagiri Taluk, Tirunelveli District scheduled to be held on 07.10.2017 to 12.10.2017 at till 11.00 p.m. He further submitted that in this connection, a representation was given to the second respondent on 21.08.2017, with a request to grant permission 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. It is stated that the loud speaker is meant only for announcement of "Pooja" and other ceremonies, which have been performed in connection with the temple festival. The petitioner seeks permission only to use loud speaker till 11.00 pm.

5. Having regard to the facts and circumstances and the request of the petitioner to permit the use of loud speaker till 11.00 p.m., this Court does not find any reason. Hence, the respondent police is directed to consider the petitioner's representation and grant permission to use loud speaker till 11.00 p.m. during the festival in connection with "Purattasi Festival" in Arulmigu Sri Therukku Mariamman Kovil at Rayagiri Village, Sivagiri Taluk, Tirunelveli District from 07.10.2017 to 12.10.2017.

6. If any cultural event is organised by the petitioner, the petitioner shall complete the programme before 10.30 p.m., subject to the following conditions;

(a) the "cultural" programme in connection with "Purattasi Festival" in Arulmigu Sri Therukku Mariamman Kovil at Rayagiri Village, Sivagiri Taluk, Tirunelveli District, 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.

(k) it is open to the 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.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.M.MUTHU KUMAR Advocate in SR. No. 77163

IS/RMI

JS/MR.KKR/SAR.1/14.09.2017/3P-3C

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