



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

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

W.P. (MD) No.17005 of 2017

K.Jeyakumar

... Petitioner

-Vs-

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

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Kulasekarapattinam,
Tuticorin 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 consider the petitioner's representation, dated 06.09.2017 to grant permission to conduct "Purattasi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai" and Adal Padal" at about 06.00 p.m to 12 p.m on 27.09.2017 in temple namely "Arulmigu Shree Mutharamman Kovil", at Nadu Kalangkudiruppu, (Udankudi), Udankudi Post, Tiruchendur Taluk, Tuticorin District.

For Petitioner : Mr.C.Jeyaprakash

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 consider the petitioner's representation, dated 06.09.2017 to grant permission to conduct "Purattasi Pongal Festival" as well as other programmes and also



to conduct "Kiramiya Isai" and "Adal Padal" at about 06.00 p.m., to 12.00 p.m., on 27.09.2017 in "Arulmigu Shree Mutharamman Kovil", at Nadu Kalangkudiruppu, (Udankudi), Udankudi Post, Tiruchendur Taluk, Tuticorin 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 "Kiramiya Isai" and "Adal Padal" programmes on 27.09.2017 in connection with "Purattasi Pongal" festival in "Arulmigu Shree Mutharamman Kovil", at Nadu Kalangkudiruppu, (Udankudi), Udankudi Post, Tiruchendur Taluk, Tuticorin District. He further submitted that in this connection, a representation was given to the second respondent on 06.09.2017, 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 Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Kiramiya Isai" and "Adal Padal" programmes 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, Kulasekarapattinam Police Station, Kulasekarapattinam, Tuticorin District, is directed to consider the representation of the petitioner, dated 06.09.2017 and to give permission and to provide police protection for "Kiramiya Isai" and "Adal Padal" programmes in connection with "Purattasi Pongal" festival in "Arulmigu Shree Mutharamman Kovil", at Nadu Kalangkudiruppu, (Udankudi), Udankudi Post, Tiruchendur Taluk, Tuticorin District, scheduled to be held on 27.09.2017, subject to the following conditions;

(a) the "Kiramiya Isai" and "Adal Padal" programmes in connection with "Purattasi Pongal" festival in "Arulmigu Shree Mutharamman Kovil", at Nadu Kalangkudiruppu, (Udankudi), Udankudi Post, Tiruchendur Taluk, Tuticorin District, scheduled to be held on 27.09.2017 should be completed before 10.30 p.m., or as may be permitted 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;

<https://hcservices.ecourts.gov.in/hcservices/>

(d) no dance or songs, touching upon any political party or religion, community or caste be played;



(e) There should not be any Flex Boards representing any community or political leaders;

(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 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(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Kulasekarapattinam, Tuticorin District.

+One cc to Mr.C.Jeyaprakash, Advocate, SR.No.77732

+One cc to The Special Government Pleader, SR.No.78307

psd/pmu

RL/5C/3P/RSK/SAR3/13/9/2017

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