

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.09.2017
CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.17083 of 2017**

P.Arumugam

... Petitioner

-Vs-

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

2. The Deputy Superintendent of Police,
Alangulam Circle,
Alangulam, Tirunelveli District.

3. The Inspector of Police,
Surandai Police Station,
Surandai, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents to provide adequate police protection for the "Kodai festival" to be conducted on 14.09.2017 and 15.09.2017 at "Sri Seevalaperi Sudalai Mada Swamy Temple" at Surandai, Veeralakeralmputhur Taluk, Tirunelveli District and to conduct cultural events of "Villisai Katcheri" and "Maguda Attam" by considering the petitioner's representation dated 04.09.2017.

For Petitioner : Mr.R.Mathiyalagan
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 seeking a direction to the respondent to provide adequate police protection for the Kodai festival to be conducted on 14.09.2017 and 15.09.2017 at "Sri Seevalaperi Sudalai Mada Swamy Temple" at Surandai, Veeralakeralmputhur Taluk, Tirunelveli District and to conduct cultural events of "Villisai Katcheri" and "Maguda Attam" by considering the petitioner's representation dated 04.09.2017.

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 conduct "Villisai Katcheri" and "Maguda Attam" programme on 14.09.2017 and 15.09.2017 in connection with "Kodai Festival" in "Sri Seevalaperi Sudalai Mada Swamy Temple" at Surandai, Veeralakeralmputhur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the third respondent on 04.09.2017, 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 Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Villisai Katcheri" and "Maguda Attam" 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 third respondent /The Inspector of Police, Surandai Police Station, Surandai District, is directed to consider the representation of the petitioner, dated 04.09.2017 and to give permission and to provide police protection for "Villisai Katcheri" and "Maguda Attam" programme in connection with "Kodai Festival" in "Sri Seevalaperi Sudalai Mada Swamy Temple" at Surandai, Veeralakeralmputhur Taluk, Tirunelveli District, scheduled to be held on 14.09.2017 and 15.09.2017, subject to the following conditions;

(a) the "Villisai Katcheri" and "Maguda Attam" programme in connection with the "Kodai Festival" festival in Sri Seevalaperi Sudalai Mada Swamy Temple" at Surandai, Veeralakeralmputhur Taluk, Tirunelveli District, scheduled to be held on 14.09.2017 and 15.09.2017 should be completed before 10.30 p.m or as may be permitted by the 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) 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 third 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,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Alangulam Circle,
Alangulam, Tirunelveli District.
3. The Inspector of Police,
Surandai Police Station,
Surandai, Tirunelveli District.

+1cc to M/S. R.MATHIYALAGAN, Advocate, SR.No.77832.

+1cc to Special Government Pleader, SR.No.78343.

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11.09.2017