



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

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

W.P.(MD) No.17101 of 2017

Sudalaiyandi

... Petitioner

-Vs-

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely Innisai Katcheri scheduled to be held on 15.09.2017 at night 09.00 to 02.00 in connection with "Kodai Vizha" in Arulmigu Sri Puthiyavan Thirukovil at Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District, by considering the petitioner's representation dated 30.08.2017.

For Petitioner : Mr.S.Selvakumar
For Respondent : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with the present Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondent to grant permission and protection for cultural event namely Innisai Katcheri scheduled to be held on 15.09.2017 at night 09.00 to 02.00 in connection with "Kodai Vizha" in Arulmigu Sri Puthiyavan Thirukovil at Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District, by considering the petitioner's representation dated 30.08.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Innisai Katcheri" scheduled to be held on 15.09.2017 at night 09.00 to 02.00 in connection with "Kodai Vizha" in Arulmigu Sri Puthiyavan Thirukovil at Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District. He further submitted that in this representation was given to the respondent on 30.08.2017, 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.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. The learned Special Government Pleader appearing for the respondent has taken notice of this Court. The representation of one Andy, aged about 80 years, was submitted to the Inspector of Police, Sambavarvadakarai Police Station, Tirunelveli District. In the representation, the complainant has stated that there is no election to elect the executive members for the administration of the temple for the past one year. Majority of the subscribers, who are paying subscription to the temple are now satisfied with the persons, who are in the administration of the temple now. Therefore, the complainant wanted the police to interfere in this matter. So that, the temple festival can be celebrated jointly with all the varidharars.

5. On account of receipt of said representation, the learned Special Government Pleader further submitted that there is no likelihood of some problem with the police. In view of the representation of the complainant, the permission was rejected by the Deputy Superintendent of Police, Puliyangudi by an order dated 10.09.2017.

6. Having regard to the nature of the complaint received by the respondent, it cannot be desirable to issue a positive direction to the respondent to permit to conduct the festival and to provide police protection. However, this Court is inclined to direct the Deputy Superintendent of Police, Puliyangudi to convene the peace committee meeting after issuing notice to the petitioner and the complainant and their men to find out the possibility of consensus for conducting the festival as it was scheduled.

7. In case, the persons, who are objecting to conduct the festival by the office bearers, now organising the function to celebrate the festival, the second respondent may grant permission and provide adequate police protection.

8. Considering the views of sentiments of the majority of villagers in conducting the "Kodai Vizha" festival of Arulmigu Sri Puthiyavan Thirukovil at Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District and taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

<https://hcservices.ecourts.gov.in> The respondent / The Inspector of Police, Sambavarvadakarai Police Station, Tenkasi Taluk, Tirunelveli District, is directed to consider the



representation of the petitioner, dated 30.08.2017 and to give permission and to provide police protection for "Innisai Katcheri" programme in connection with the festival in connection with "Kodai Vizha" in "Arulmigu Sri Puthiyavan Thirukovil" at Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 15.09.2017, subject to the following conditions;

(a) the "Innisai Katcheri" programme in connection with the festival in connection with "Kodai Vizha" in "Arulmigu Sri Puthiyavan Thirukovil" at Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 15.09.2017 should be completed before 10.30 p.m.

(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 dance 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) and other condition is that so as to ensure law and order and communal problem, peace committee meeting



shall be conducted and the respondent is directed to convene the meeting on or before 14.09.2017.

9. It is open to 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 of any Flex Boards representing any community. The petitioner and their people are expected to co-operate with the respondent police so as to ensure smooth conduct of the festival and related programmes.

10. The respondent police is directed to convene the Peace Committee Meeting on or before 14.09.2017 .

11. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1.The Inspector of Police,
Sambavarvadakarai Police Station,
Tirunelveli District.

2.The Superintendent of Police,
Puliyangudi.

+1CC to Mr.S.Selvakumar, Advocate, SR.No.78210

+1CC to the Special Government Pleader SR.No. 78653

W.P.(MD) No. 17101 of 2017
12.09.2017

smsss

AM/RSK/SAR 3/13.09.2017/4P/5C