



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.17156 of 2017

T.Murugesan

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 07.09.2017 to grant permission to conduct the "Kodai Vizha Festival" as well as other programmes and also to conduct the "Innisai Katcheri" on 15.09.2017 at about 07.00 p.m. to 12.00 p.m, in the temple namely "Arulmighu Kulathur Iyan Thirukovil" at Ariyappapuram, Mettur-627 808, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the second respondent to consider the representation of the petitioner dated 07.09.2017 to grant permission to conduct the "Kodai Vizha Festival" as well as other programmes and also to conduct the "Innisai Katcheri" on 15.09.2017 at about 07.00 p.m. to 12.00 p.m, in the temple namely "Arulmighu Kulathur Iyan Thirukovil" at Ariyappapuram, Mettur-627 808, Tenkasi Taluk, Tirunelveli District.



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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kodai Vizha Festival" as well as other programmes and also to conduct the "Innisai Katcheri" programme on 15.09.2017 in connection with "Arulmighu Kulathur Iyan Thirukovil" at Ariyappapuram, Mettur-627 808, Tenkasi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondents on 07.09.2017, 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 Special Government Pleader appearing for the respondents submitted that this Court may grant permission for "Kodai Vizha Festival" as well as other programmes and also to conduct the "Innisai Katcheri" 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 Sub Inspector of Police, Pavoorchathiram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 07.09.2017 and to give permission and to provide police protection for "Innisai Katcheri" programme in connection with "Arulmighu Kulathur Iyan Thirukovil" at Ariyappapuram, Mettur-627 808, 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 "Arulmighu Kulathur Iyan Thirukovil" at Ariyappapuram, Mettur-627 808, 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) there should not be any Flex Boards representing any 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 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(T&P)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Tirunelveli District.

+One cc to Mr.C.Jeyaprakash, advocate, SR.No.78413

+One cc to The Special Government Pleader, SR.No.78662

sm/sss

RL/5C/3P/KP/SAR2/14/9/2017

W.P.(MD) No.17156 of 2017