



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.17185 of 2017

WEB COPY

V.Subramanian

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to grant permission to perform the programs such as, "Innisai Kacheri" on 30.09.2017 at night 07.00 p.m. to 01.00 a.m. And "Sendai Melam drums" program to be conducted on 03.10.2017 a.m. at "Arulmigu Sri Kaliyamman Thirukovil" situated in Achangundram, Tirunelveli District and to provide adequate police protection based on the petitioner's representation dated 05.09.2017.

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 this Writ Petition for issuance of a Mandamus seeking a direction to the respondent to grant permission to perform the programs such as, "Innisai Kacheri" on 30.09.2017 at night 07.00 p.m. to 01.00 a.m. and "Sendai Melam drums" program to be conducted on 03.10.2017 a.m. at "Arulmigu Sri Kaliyamman Thirukovil" situated in Achangundram, Tirunelveli District and to provide adequate police protection based on the petitioner's representation dated 05.09.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Innisai Kacheri" programme on 30.09.2017 and "Sendai Melam Drums" on 03.10.2017 in the festival of "Arulmigu Sri Kaliyamman Thirukovil" in Achangundram, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 05.09.2017 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.

3. The learned Special Government Pleader appearing for the respondent on instructions submitted that he has not received any adverse remarks against the petitioner in conducting "Innisai Kacheri" on 30.09.2017 and "Sendai Melam Drums" on 03.10.2017 and the petitioner may be permitted to conduct the above programmes, subject to reasonable restrictions.

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

5. Considering the facts and circumstances of the case, this Court is inclined to pass the following directions:-

i) The Inspector of Police, Surandai Police Station, Tirunelveli District, is directed to grant permission and to provide police protection for conducting the cultural programmes, namely, "Innisai Kacheri" and "Sendai Melam Drums", in the festival of "Arulmigu Sri Kaliyamman Thirukovil" in Achangundram, Tirunelveli District, scheduled to be held on 30.09.2017 and 03.10.2017 respectively, between 6.30 p.m., and 10.30 p.m., subject to any reasonable restrictions which are necessary to protect the public peace and law and order and to prevent any untoward incidents.

(a) the "Innisai Kacheri" programme and "Sendai Melam Drums" in the festival of "Arulmigu Sri Kaliyamman Thirukovil", Achangundram, Tirunelveli District, scheduled to be held on 30.09.2017 and 03.10.2017 respectively, should be completed before 10.30 p.m.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

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

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and



(i) 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.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.S.SELVA KUMAR, Advocate SR.No.78211
+1cc to Special Government Pleader, SR.No.78657

sm/sss

MAS/KK/SAR2:20.09.2017:3P-4C

W.P. (MD) No.17185 of 2017
12.09.2017