



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.17329 of 2017

WEB COPY

S.Kaliraj

... Petitioner

Vs.

State represented by its
The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of impugned order of the respondent in respect of the Innisai Kacheri and Aadal Padal and Karakattam in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" dated 09.09.2017 and quash the same and further directing the respondent to grant permission to conduct the "Innisai Kacheri and Aadal Padal and Karakattam" dance program on 22.09.2017 to 27.09.2017 from 07.00 p.m. to 11.00 p.m. in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" situated in Thirumalapuram Village, Sivagiri Taluk, Tirunelveli District.

For Petitioner

: Mr.C.Susikumar

For Respondent

: Mr.A.K.Baskara Pandian

Special Government Pleader.

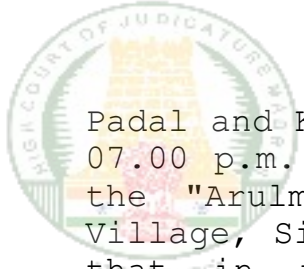
ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of impugned order of the respondent in respect of the Innisai Kacheri and Aadal Padal and Karakattam in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" dated 09.09.2017 and quash the same and further directing the respondent to grant permission to conduct the "Innisai Kacheri and Aadal Padal and Karakattam" dance program on 22.09.2017 to 27.09.2017 from 07.00 p.m. to 11.00 p.m. in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" situated in Thirumalapuram Village, Sivagiri Taluk, Tirunelveli District.

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

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct the "Innisai Kacheri and Aadal



Padal and Karakattam" dance program on 22.09.2017 to 27.09.2017 from 07.00 p.m. to 11.00 p.m. in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" situated in Thirumalapuram Village, Sivagiri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 09.09.2017, with a request to grant permission and protection to conduct the above said programmes on the above said dates.

4.The grievance of the petitioner is that the representation of the petitioner was refused by the respondent by passing the impugned order dated 09.09.2017. Hence the above writ petition is filed for conducting "Innisai Kacheri and Aadal Padal and Karakattam" dance program on 22.09.2017 to 27.09.2017 from 07.00 p.m. to 11.00 p.m. in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" situated in Thirumalapuram Village, Sivagiri Taluk, Tirunelveli District. In this impugned order, except stating that there is a likelihood of law and order problem.

5.Considering the facts and circumstances of the case, the Writ Petition is allowed and the impugned order passed by the respondent dated 09.09.2017 is set aside, with the following directions:

The respondent/The Inspector of Police, Vasudevanallur Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 09.09.2017 and to give permission and to provide police protection for "Innisai Kacheri and Aadal Padal and Karakattam" dance program on 22.09.2017 to 27.09.2017 from 07.00 p.m. to 11.00 p.m. in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" situated in Thirumalapuram Village, Sivagiri Taluk, Tirunelveli District., subject to the following conditions;

*(a) the "Innisai Kacheri and Aadal Padal and Karakattam" dance program scheduled on 22.09.2017 to 27.09.2017, in pursuance to the Purattaci festival of the "Arulmigu Sri Kaliyamman Temple" situated in Thirumalapuram Village, Sivagiri Taluk, Tirunelveli District, 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 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 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 the 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(RTI)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 79069

+1cc to Mr.B.BASKAR Advocate in SR. No. 78915

TSG/DAS

JS/SKN.RSK/SAR.4/19.09.2017/3P-4C

W.P. (MD) No.17329 of 2017

14.09.2017