



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.09.2017

CORAM

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

W.P. (MD) No.17418 of 2017

Rajendiran

... Petitioner

-Vs-

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

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

... Respondents

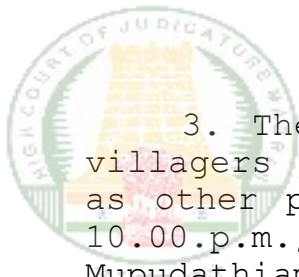
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 13.09.2017 to grant permission to conduct the "Kodai Vizga Festival" as well as other programmes and also to conduct the "Aadal-Padal" on 24.09.2017 at about 10.00.p.m., to 01.00.a.m., in the temple namely "Arulmighu Sree Mupudathiamman Thirukvoil" at Pavoorchathiram, Tirunelveli District.

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

ORDER

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 13.09.2017 to grant permission to conduct the "Kodai Vizga Festival" as well as other programmes and also to conduct the "Aadal-Padal" on 24.09.2017 at about 10.00.p.m., to 01.00.a.m., in the temple namely "Arulmighu Sree Mupudathiamman Thirukvoil" at Pavoorchathiram, 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 "Aadal Padal" on 24.09.2017 at about 10.00.p.m., to 01.00.a.m., in the temple namely "Arulmighu Sree Mupudathiamman Thirukvoil" at Pavoorchathiram, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 13.09.2017, 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 "Adal Padal" 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 2nd respondent/The Inspector of Police, Pavoorchathiram Police Station, Pavoorchathiram, Tirunelveli District, is directed to consider the representation of the petitioner, dated 13.09.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Kodai Vizha Festival" in "Arulmighu Sree Mupudathiamman Thirukvoil" at Pavoorchathiram, Tirunelveli District, scheduled to be held on 24.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the "Kodai Vizha Festival" in "Arulmighu Sree Mupudathiamman Thirukvoil" at Pavoorchathiram, Tirunelveli District, scheduled to be held on 24.09.2017, 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 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

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Tirunelveli District.

+ 1 CC TO Mr.C.JEYAPRAKASH, ADVOCATE IN SR No. 79155
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79322

DAS/MSA
TE/KK/SAR-I : 20/09/2017 : 3P/5C

W.P.(MD) No. 17418 of 2017
15.09.2017