



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

WEB COPY

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

W.P.(MD) No.17655 of 2017

K.Sermadurai

... Petitioner

-Vs-

1. The Superintendent of Police,
O/o The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Thatarmadam Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit us to conduct the Cultural Dance Program scheduled to be held on 05.10.2017 at 07.00 PM on the eve of Kodai Vizha for the temple namely Puliyadu Sri Mutharamman Kovil at Puthantharuvai, Sathankulam Taluk, Tuticorin District.

For Petitioner : Mr.R.Aravind Raj
For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to permit and to conduct the Cultural Dance Program scheduled to be held on 05.10.2017 at 07.00 PM on the eve of "Kodai Vizha" for the temple namely Puliyadu Sri Mutharamman Kovil at Puthantharuvai, Sathankulam Taluk, Tuticorin District.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Cultural Dance Program in connection with "Kodai Vizha" on 05.10.2017 at Puliyadu Sri Mutharamman Kovil situated at Puthantharuvai, Sathankulam Taluk, Tuticorin District. He further submitted that in this connection, a representation was given to the second respondent on 05.09.2017,



with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for Cultural Dance Program 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 Inspector of Police, Thatarmadam Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 05.09.2017 and to give permission and to provide police protection for Cultural Dance Program in connection with "Kodai Vizha" at Puliyadu Sri Mutharamman Kovil situated at Puthantharuvai, Sathankulam Taluk, Tuticorin District as part of temple festival of "Muthumalaiamman Temple", scheduled to be held on 05.10.2017, subject to the following conditions;

(a) the Cultural Dance Program in connection with "Kodai Vizha" at Puliyadu Sri Mutharamman Kovil situated at Puthantharuvai, Sathankulam Taluk, Tuticorin District, scheduled to be held on 05.10.2017, should be completed before **10.30 p.m** or as may be directed by the second respondent police.

(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 community or 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

WEB COPY

(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to the second 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,
O/o The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Thatarmadam Police Station,
Thoothukudi District.

+ 1 CC TO Mr.R.ARAVIND RAJ, ADVOCATE IN SR No. 79675

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79905

IS

TE/JC/SAR-II : 25/09/2017 : 3P/5C

W.P. (MD) No.17655 of 2017
19.09.2017