



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM

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

W.P. (MD) No.17719 of 2017

P.Velusamy

... Petitioner

-Vs-

1. The Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

2. The Sub Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records pertaining to the rejection order of the second respondent in C.No.23/H4PS/2017 dated 10.09.2017 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal Program scheduled to be held on 02.10.2017 & Themmangu Innisai Kacheri Scheduled to be held on 03.10.2017 in connection with "Kodaivizha" at Arulmigu Sri Vadakkuvaseelviamman Thirukovil at Pillaiyar Kovil Street, Vennilingapuram, Kavalakurichi Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation dated 09.09.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus calling for the records pertaining to the rejection order of the second respondent in C.No.23/H4PS/2017 dated 10.09.2017 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal Program scheduled to be held on 02.10.2017 & Themmangu Innisai Kacheri Scheduled to be held on 03.10.2017 in connection with "Kodaivizha" at Arulmigu Sri Vadakkuvaseelviamman Thirukovil at



Pillaiyar Kovil Street, Vennilingapuram, Kavalakurichi Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation dated 09.09.2017.

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 Adal Padal Program scheduled to be held on 02.10.2017 and Themmangu Innisai Kacheri Scheduled to be held on 03.10.2017 in connection with "Kodaivizha" festival in Arulmigu Sri Vadakkuvaseelviamman Thirukovil at Pillaiyar Kovil Street, Vennilingapuram, Kavalakurichi Village, Alangulam 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 programmes on the above said date. However, the second respondent rejected the said representation, by the impugned proceeding, dated 10.09.2017, and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents on instructions submitted that this Court may grant permission for Adal Padal and Themmangu Innisai Kacheri programmes subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order dated 10.09.2017 passed by the second respondent is set aside and the Writ petition is allowed with the following direction:-

The second respondent/The Sub Inspector of Police, Oothumalai 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 Adal Padal and Themmangu Innisai Kacheri programmes in connection with "Kodaivizha" festival in Arulmigu Sri Vadakkuvaseelviamman Thirukovil at Pillaiyar Kovil Street, Vennilingapuram, Kavalakurichi Village, Alangulam Taluk, Tirunelveli District, scheduled to be held on 02.10.2017 and 03.10.2017, subject to the following conditions;

(a) the Adal Padal and Themmangu Innisai Kacheri programmes in connection with the in connection with "Kodaivizha" festival in Arulmigu Sri Vadakkuvaseelviamman Thirukovil at Pillaiyar Kovil Street, Vennilingapuram, Kavalakurichi Village, Alangulam Taluk, Tirunelveli District, scheduled to be held on 02.08.2017, should be completed before 10.30 p.m. or as may be permitted by the respondent police.



(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;

(h) 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 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

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

2. The Sub Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

+1cc to Mr.R.Karthic Rajan, Advocate Sr.No.79972

MYR

VB/KP/SAR1/25/09/2017/3P/4C

W.P. (MD) No. 17719 of 2017
20.09.2017