



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARW.P.(MD) No.17899 of 2017

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M.Esakkipandi

... Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli District.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant permission and give police protection to conduct the "Paatu Katcheri" program at about 07.00 p.m on 02.10.2017 in pursuance to the festival of "Arulmighu Chellayee Amman", situated in Melakarungulam Village, Munnerpallam Taluk, Tirunelveli District on considering the petitioner's representation dated 18.09.2017.

For Petitioner : Mr.P.Muthupandi

For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader**ORDER**

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission and give police protection to conduct the "Paatu Katcheri" program at about 07.00 p.m on 02.10.2017 in pursuance to the festival of "Arulmighu Chellayee Amman", situated in Melakarungulam Village, Munnerpallam Taluk, Tirunelveli District on considering the petitioner's representation dated 18.09.2017.

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 "Paatu Katcheri" programme on 02.10.2017 in "Arulmighu Chellayee Amman", situated in Melakarungulam Village, Munnerpallam Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 18.09.2017, 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. Though it is stated by the learned Additional Government Pleader appearing for the respondents that there was FIR during the last year, going by the First Information Report registered in Crime No.647 of 2016, can be seen that it is only a dispute between the two individuals and that it cannot be taken as one in relation to the conduct of festival or by two different groups in relation to the organization of the festival.

5. In the said circumstances, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Thiruchuzhi Police Station, Virudhunagar District, is directed to consider the representation of the petitioner, dated 18.09.2017 and to give permission and to provide police protection for "Paatu Katcheri" programme in "Arulmighu Chellayee Amman", situated in Melakarungulam Village, Munnerpallam Taluk, Tirunelveli District, scheduled to be held on 02.10.2017, subject to the following conditions;

*(a) the "Paatu Katcheri" programme perform in connection with in "Arulmighu Chellayee Amman", situated in Melakarungulam Village, Munnerpallam Taluk, Tirunelveli District, scheduled to be held on 02.10.2017, 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;

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(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 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 (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District.

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

+ 1 CC TO MR.P.Muthupandi, ADVOCATE IN SR No. 80335

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.80977

Ls/trp

MK/SV MMS/SAR-1/28.09.2017/3P/5C

W.P. (MD) No.17899 of 2017
21.09.2017