



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.18165 of 2017

P.Marikani

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,
East Police Station,
Virudhunagar,
Virudhunagar 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 grant permission to perform cultural programmes such as "Sappara Urvalam, Pulivesam and Silampattam" and "Madurai Muthu-Palsuvai Nagaichuvai Events" schedules to be held on 14.10.2017 and 15.10.2017 respectively in connection with "Sriman Seenivasa Perumal Kovil Festival" at Muthuramanpatti, Allampatti, Virudhunagar.

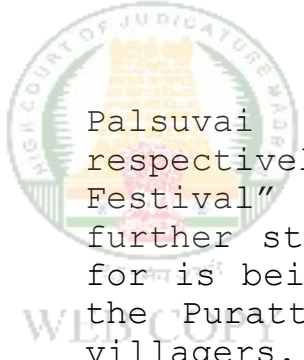
For Petitioner : Mr.D.Farjana Goushia
For Respondents : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to grant permission to perform cultural programmes such as "Sappara Urvalam, Pulivesam and Silampattam" and "Madurai Muthu-Palsuvai Nagaichuvai Events" schedules to be held on 14.10.2017 and 15.10.2017 respectively in connection with "Sriman Seenivasa Perumal Kovil Festival" at Muthuramanpatti, Allampatti, Virudhunagar.

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

<https://hcservices.ecourts.gov.in/hcservices/> 3. The petitioner states that he is a residents of Muthuramanpatti village and Member of Vizha Committee to organize "Sappara Urvalam, Pulivesam and Silampattam" and "Madurai Muthu-



Palsuvai Nagaichuvai Events" on 14.10.2017 and 15.10.2017 respectively in connection with "Sriman Seenivasa Perumal Kovil Festival" at Muthuramanpatti, Allampatti, Virudhunagar. It is further stated that the event for which the permission is sought for is being conducted successfully every year in connection with the Purattasi Festival in the temple in a grand manner by the villagers. The learned counsel for the petitioner submitted that in this connection, a representation was given to the respondents on 20.09.2017, with a request to grant permission and protection to conduct the programme on the above said dates. 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 second respondent, namely, the Sub Inspector of Police, East Police Station, Virudhunagar, Virudhunagar District, has filed a detailed counter affidavit. In the counter affidavit, it is stated that in Muthuramanpatti and Allampatti village people belonging to various communities are residing and that due to the previous enmity between two communities during the event of "Pulivesam" by Nayakkar community people on 17.10.2015, there was some law and order problem and that a case was registered in Crime No.543 of 2015 for the offences punishable under Section 7(1)(A) of Criminal Law Amendment Act and the case ended in conviction.

5.It is further stated that "Pulivesam" was never conducted in the village for the past more than 40 years and that the petitioner is seeking permission for the first time. Hence, the second respondent has stated that the Department has serious objection for permitting "Pulivesam" to be conducted, in connection with the temple festival as it is likely to create law and order problem and communal disharmony. The petitioner agreed that the event "Pulivesam" will not be performed.

6.Having regard to the statement of the second respondent, this Court, without going into the merits of the facts stated in the counter affidavit, is inclined to dispose of the Writ Petition with the following direction:-

"Since the programme is organized for this year on 14.10.2017 and 15.10.2017, the second respondent is directed to grant permission to perform "Sappara Urvalam, Silampattam" and "Madurai Muthu-Palsuvai Nagaichuvai Events" and to grant adequate police protection scheduled to be held on 14.10.2017 and 15.10.2017 respectively except "Pulivesam" subject to the following conditions:-

(a) the "Sappara Urvalam, Silampattam" and "Madurai Muthu-Palsuvai Nagaichuvai Events" programme in connection with "Sriman Seenivasa Perumal Kovil Festival" at Muthuramanpatti, Allampatti, Virudhunagar District, scheduled to be held on 14.10.2017 and 15.10.2017



respectively, 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

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

7. It is open to the second respondent police to put any other reasonable restrictions or conditions so as to maintain law and order and communal harmony. There can be a total ban for putting up any Flex Boards representing any community. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.



To

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

2.The Sub-Inspector of Police,
East Police Station,
Virudhunagar,
Virudhunagar District.

+1CC to Mr.D.Farjana Ghoushia, Advocate, SR.No. 81851

+1CC to the Special Government Pleader SR.No. 81819

W.P.(MD) No.18165 of 2017
05.10.2017

ls/cmr

JM/SV MMS/SAR 1/13.10.2017/4P/5C