



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

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

W.P. (MD) No.18818 of 2017

P.Madasamy

... Petitioner

-Vs-

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

2. The Inspector of Police,
Sethur Police Station,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

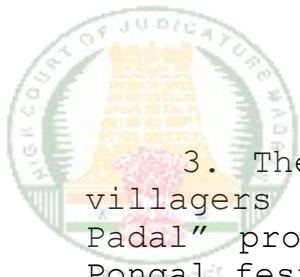
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 07.10.2017 to grant permission to conduct the "Purattasi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 09.00 P.M. to 01.00 A.M. on 13.10.2017 in temple namely, "Arulmigu Shree Mariamman Kovil" at Mela Theru, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 07.10.2017 to grant permission to conduct the "Purattasi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 09.00 P.M. to 01.00 A.M. on 13.10.2017 in temple namely, "Arulmigu Shree Mariamman Kovil" at Mela Theru, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar 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 "Kiramiya Isai" and "Adal Padal" programmes on 13.10.2017 in connection with the "Purattasi Pongal festival" in "Arulmigu Shree Mariamman Kovil" at Mela Theru, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District. He further submitted that in this connection, a representation given to the second respondent on 07.10.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the second respondent have 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 "Kiramiya Isai" and "Adal Padal" programmes 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, Sethur Police Station, Rajapalayam Taluk, Virudhunagar District, is directed to consider the representation of the petitioner, dated 07.10.2017 and to give permission and to provide police protection for "Kiramiya Isai" and "Adal Padal" programmes in connection with the "Purattasi Pongal festival" in "Arulmigu Shree Mariamman Kovil" at Mela Theru, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District, scheduled to be held on 13.10.2017, subject to the following conditions;

*(a) the "**Kiramiya Isai**" and "**Adal Padal**" programmes in connection with the "Purattasi Pongal festival" in "Arulmigu Shree Mariamman Kovil" situated at Mela Theru, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District, scheduled to be held on **13.10.2017** should be completed before **10.30 p.m.**, or as may be permitted by the second respondent.*

(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 programmes, if it exceeds beyond the permitted time;

(i) the participants of the programmes shall not intake any kind of in-toxic substance or liquor during the programmes; and

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

6. The second respondent police is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity 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. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Sethur Police Station,
Rajapalayam Taluk,
Virudhunagar District.

+ 1 CC TO Mr.C.JEYAPRAKASH, ADVOCATE IN SR No. 82248

CP/TRP

TE/KK/SAR-I : 12/10/2017 : 3P/4C