



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2017

CORAM

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

W.P. (MD) No.18945 of 2017

Mariappan

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.

2.The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
Kadayanallur Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give permission and adequate police protection for the temple festival and cultural programs and orchestras conducted on 10.10.2017 to 17.10.2017 between 09.30 P.M. to 12.30 A.M. Celebrated in Arulmigu Vadakasi Amman Thirukovil, Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli.

For Petitioner : Mr.D.Nallathambi

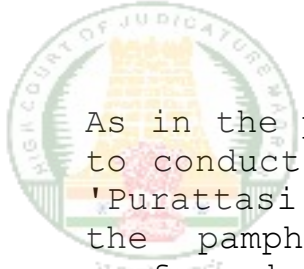
For Respondent : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to give permission and adequate police protection for the temple festival and cultural programs and orchestras conducted on 10.10.2017 to 17.10.2017 between 09.30 P.M. to 12.30 A.M. celebrated in "Arulmigu Vadakasi Amman Thirukovil", Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli.

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

3.The petitioner stated that he is the President of Hindu Nadar Uravinmurai Mahami Committee, Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District. It is further stated that "Arulmigu Vadakasi Amman Thirukovil" is a famous temple, which was
<https://hccseivicescourtserviceindia.com/> but 200 years back and it has its own ancient history. It is submitted that the said temple is under the administration of the Hindu Nadar Uravinmurai Mahamai Committee.



As in the previous years, the elders of the said community decided to conduct festival and cultural programmes in the Tamil month of 'Purattasi'. The petitioner, before this Court, has also produced the pamphlet containing the events that are going to be performed / organised within the temple premises from 10.10.2017 to 17.10.2017. In this connection, a representation was also submitted, but it was not considered till date and hence, this Writ Petition is filed.

4. When the matter is taken up for hearing, the learned counsel for the petitioner produced before this Court, the proceedings of Deputy Superintendent of Police, Puliyanakudi, dated 10.10.2017, by which permission was granted to the petitioner to conduct festival and cultural events subject to certain conditions. Now, the grievance of the petitioner is about the time restriction. The Deputy Superintendent of Police, Puliyanakudi, has indicated that all cultural events should be completed before 10.00 P.M. and that the organiser should not use cone speakers and they shall use box speakers only. The other condition is about the Ayyavazhi Katcheri. It is stated that no one should dance to the music programme. The petitioner has no other grievances, other than those mentioned above, in the conditions imposed by the Deputy Superintendent of Police, Puliyanakudi.

5. Having regard to the nature of the function organised by the petitioner in the said temple, this Court is of the view that the petitioner may be permitted to conduct and perform all religious activities without any time restrictions. On 13.10.2017, the petitioner has stated that there will be Thiruvilakku workshop, the petitioner may celebrate and conduct the programme without any time restrictions inside the temple. Similarly, on 14.10.2017, the petitioner has arranged for Thiruvilakku workshop as well as for Ayyavazhi Innisai Katcheri. It is stated that Ayyavazhi Innisai Katcheri is not an entertainment programme, as the practice/music concert is only meant for devotional songs. It is therefore, submitted that such programme should be permitted without any time restrictions.

6. Having regard to the facts and circumstances of the case, the order passed by the Deputy Superintendent of Police, Puliyanakudi, dated 10.10.2017 is modified only with regard to conditions 1 to 3 as stated in the order restricting the time with regard to the programmes fixed on 13.10.2017 and 14.10.2017. Regarding other conditions, the petitioner is permitted to conduct cultural events up to 10.30. P.M or as may be permitted by the respondent police. The respondent is also at liberty to put any reasonable restrictions, so as to maintain law and order and communal harmony, subject to this modification and all other conditions mentioned in the order passed by the Deputy Superintendent of Police, Puliyanakudi, shall be observed strictly by the petitioner. There can be a total ban for putting up any Flex



Boards representing any community.

7. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.
2. The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
Kadayanallur Taluk,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Puliyankudi.

+1cc to Mr. D. NALLATHAMBI, Advocate, SR. 82396

+1cc to M/S. Special Government Pleader, SR. 82554

W.P. (MD) No. 18945 of 2017
11.10.2017

CMR/KM

KK/SVMMS/SAR4/12.10.2017/ 3P- 6C/