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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.19969 of 2017

J.Vijay

...Petitioner

-Vs-

The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to grant permission to conduct Innisai Kacheri on 02.11.2017 at about 7 pm to 3 am on the eve of Kodai Festival in "Arulmigu Sree Mutharamman Temple" situated at Vallavanvilai Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.C.K.Appaji

For Respondent : Mr.D.Muruganadam

Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, to direct the respondent to grant permission to conduct Innisai Kacheri on 02.11.2017 at about 7 pm to 3 am on the eve of Kodai Festival in "Arulmigu Sree Mutharamman Temple" situated at Vallavanvilai Village, Radhapuram Taluk, Tirunelveli District.

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

3.The learned counsel for the petitioner submitted that the villagers jointly decided Innisai Katcheri on 02.11.2017 at about 7 pm to 3 am in connection with Kodai festival in "Arulmigu Sree Mutharamman Temple" situated at Vallavanvilai Village, Radhapuram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 26.10.2017, with a request to grant permission and protection to conduct the programme on the above said date. 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 learned Additional Public Prosecutor appearing for the respondent submitted that this Court may grant permission for "Innisai Katcheri" programme subject to stringent conditions.



5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Uvari Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 26.10.2017 and to give permission and to provide police protection for "Innisai Katcheri" programme in connection with Kodai Festival in "Arulmigu Sree Mutharamman Temple" situated at Vallavanvilai Village, Radhapuram Taluk, Tirunelveli District., scheduled to be held on 02.11.2017, subject to the following conditions;

(a) the Musical programme in connection with Kodai festival of "Arulmigu Sree Mutharamman Temple" situated at Vallavanvilai Village, Radhapuram Taluk, Tirunelveli District., scheduled to be held on 02.11.2017 should be completed before **10.30 p.m.** or as may be permitted by the 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.

6. It is open to 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.

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/True Copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 84656
+1cc to Mr.C.K.M.APPAJI Advocate in SR. No. 84479

CMR
VB/RSK/SAR.2/1.11.2017/3P-4C

W.P. (MD) No.19969 of 2017
31.10.2017