



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM

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

WEB COPY

W.P.(MD) No.20552 of 2017

R.Govindaraj

...Petitioner

-Vs-

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

2. The Inspector of Police,
Vadakadu Police Station,
Vadakadu, Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner representation dated 06.11.2017 to grant permission to conduct the "Karthigai Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Paadal" at about 06.00 p.m., to 12.00 p.m. on 17.11.2017 in temple namely "Arulmigu Shree Adaikalakathar Ayyanar Kovil" at Kadukkakadu, Mullankurichi post, Karambakudi Taluk, Pudukottai District.

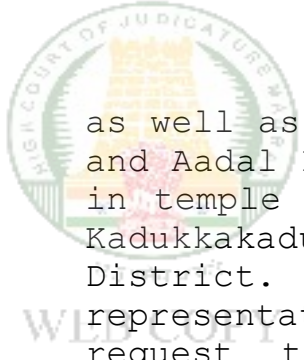
For Petitioner : Mr.T.Palpandi
For Respondents : Mr.D.Muruganadam,
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, to direct the second respondent to consider the petitioner representation dated 06.11.2017 to grant permission to conduct the "Karthigai Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Paadal" at about 06.00 p.m., to 12.00 p.m. on 17.11.2017 in temple namely "Arulmigu Shree Adaikalakathar Ayyanar Kovil" at Kadukkakadu, Mullankurichi post, Karambakudi Taluk, Pudukottai 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 "Karthigai Pongal Festival"



as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Paadal" at about 06.00 p.m., to 12.00 p.m. on 17.11.2017 in temple namely "Arulmigu Shree Adaikalakathar Ayyanar Kovil" at Kadukkakadu, Mullankurichi Post, Karambakudi Taluk, Pudukottai District. He further submitted that in this connection, a representation was given to the respondent on 06.11.2017 with a request to grant permission and protection to conduct the programmes 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 Government Pleader appearing for the respondent submitted that a case was registered earlier, where the petitioner and his people are the de-facto complainants. However, reading of the complaint would show that the petitioner and his people were assaulted by few individuals, against whom, they had given the complaint. Though it is stated that the incident was in relation to "Kumbabishekam" that was performed by the petitioner's people in the temple, this Court is not able to consider the previous complaint as an impediment for granting permission to perform the said programmes.

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, Vadakadu Police Station, Vadakadu, Pudukottai District, is directed to consider the representation of the petitioner dated 06.11.2017 and to give permission and to provide adequate police protection for conducting "Kiramiya Isai and Aadal Paadal" at about 06.00 p.m., to 12.00 p.m. on 17.11.2017 in temple namely "Arulmigu Shree Adaikalakathar Ayyanar Kovil" situated at Kadukkakadu, Mullankurichi Post, Karambakudi Taluk, Pudukottai District.

*(a) the "Kiramiya Isai and Aadal Paadal" programme in temple namely "Arulmigu Shree Adaikalakathar Ayyanar Kovil" situated at Kadukkakadu, Mullankurichi Post, Karambakudi Taluk, Pudukottai District should be completed before **10.30 p.m.** or as may be permitted 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



(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.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Vadakadu Police Station,
Vadakadu, Pudukottai District.

+1cc to Mr.T.Palpandi, Advocate Sr.No.86088

+1cc to Spl.Government Pleader Sr.No.86231

CMR

VB/KP/SAR1/14/11/2017/3P/5C

W.P. (MD) No.20552 of 2017

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