



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.8863 of 2017

S.Thangaraja

... Petitioner

vs.

1.The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2.The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to grant permission and police protection for Kodai Vizha Festival scheduled to be held on 09.05.2017 to 18.05.2017 in Arulmigu Sree Mutharamman Kovil at Vadalivilai Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.P.T.Rameshraj

For Respondents : Mr.V.Muruganantham

Additional Government Pleader.

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

Heard Mr.P.T.Rameshraj, counsel for the petitioner and Mr.V.Muruganantham, Additional Government Pleader appearing for the respondents.

2.By consent, the writ petition itself is taken up for final hearing at the admission stage itself.

3. This Writ Petition has been filed by Mr.S.Thangaraja, seeking a Writ of Mandamus, directing the respondents, namely, the Deputy Superintendent of Police, Kanyakumari, Kanyakumari District and the Inspector of Police, Rajakkamangalam Police Station, Kanyakumari District to grant permission and police protection for celebrating Kodai Vizha Festival scheduled to be held from 09.05.2017 to 18.05.2017 in Arulmigu Sree Mutharamman Kovil at Vadalivilai Village, Agastheeswaram Taluk, Kanyakumari District.



4. The learned counsel for the petitioner would submit that the petitioner, being the President of Vadalivilai Village, Arulmigu Sree Mutharamman Kovil Trust, joining hands with entire village people, decided to celebrate the village temple festival, namely, Kodai Vizha Festival. Since the village people and students are all going to enjoy this summer holidays, it is not going to cause any problem to anyone. Therefore, as the President of the Vizha Committee, he has arranged the Temple festival to be conducted from 09.05.2017 to 18.05.2017 by allowing Villupattu, Devotional Songs, Mulaippari, Special Poojas and Annadhanam. Therefore, he has given a representation to the 2nd respondent seeking permission and police protection to conduct Kodai Vizha Festival. But, till date, the respondents have not come forward to consider the representation and as a result, the days have also gone. Therefore, they have been advised to come to this Court.

5. The learned Additional Government Pleader appearing for the respondents would submit that though proceeding under Section 107 Cr.P.C. is pending, the same was closed on 01.12.2016 in M.C.Nos.176 and 177/16. Therefore, there is no impediment for the respondents to grant permission to the petitioner to celebrate the Kodai Vizha Festival.

6. Recording the said statement, this Court is inclined to grant permission to the petitioner to celebrate the festival.

"The 2nd respondent is directed to grant permission to the petitioner to conduct "Aadal Padal programme" in Vadalivilai Village, Agastheeswaram Taluk, Kanyakumari District in connection with Kodai Vizha Festival in Arulmigu Sree Mutharamman Kovil subject to the following conditions:

i)The event shall be conducted in an organised and peaceful manner without causing law and order problem.

ii)There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

iii)The dance performance shall be restricted between 6.00 p.m and 11.00 p.m. on 09.05.2017 to 18.05.2017.

iv)If there is any violation of the above said conditions, the 2nd respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

7. It is made clear that the 2nd respondent shall do the needful, if necessary.

With the above direction, this writ petition is disposed of.

Sd/-

Vacation Officer

/True copy/



To

1. The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2. The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.

+1cc to M/s.P.T.Ramesh Raja, Advocate, in SR No.56444

+1cc to Special Government Pleader in SR.No. 56491

W.P (MD) No.8863 of 2017
11.05.2017

MYR/RR

MKV-RSK-SAR 3/12.5.2017/3P-5C