



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
W.P(MD)No.9850 of 2017

T.Muthuvel

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Tirunelveli District,Tirunelveli.
 - 2.The Deputy Superintendent of Police,
Cheranmahadevi Division,
Cheranmahadevi Taluk,
Tirunelveli District, Tirunelveli.
 - 3.The Sub-Inspector of Police,
Pappakudi Police Station,
Pappakudi, Tirunelveli District.
- .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining order passed by the third respondent proceeding NO.Nil dated 19.05.2017 and quash the same and to direct the third respondent to give police permission and adequate police protection scheduled on 4.6.2017 to 7.6.2017 at 9.00 p.m to 12.00 p.m Karagattam and Naiyandi Melam Programme at Arulmigu Sri Subramanianswamy Temple, Pudupatti Village, Cheramahadevi Taluk, Tirunelveli District by considering the petitioner's application on 19.05.2017.

For Petitioner

: Mr.S.Krishnan

For Respondents

: Mr.Rajakarthikeyan

Additional Government Pleader

ORDER

[Order of the Court was made by M.V.MURALIDARAN, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the impugned order passed by the third respondent proceeding NO.Nil dated 19.05.2017 and quash the same, by way of issuing a Writ of Certiorarified Mandamus.

2.Mr.Rajakarthikeyan, learned Additional Government Pleader, has taken notice for the respondents.



3. Learned counsel for the petitioner would submit that in the Arulmigu Sri Subramanianswamy Temple Pudupatti Village, Cheranmahadevi Taluk every year festival is being conducted in a grand manner during Vaikasi for the past 50 years in a peaceful manner without causing hindrance to others and this year also, the villagers jointly decided to conduct the village temple festival, on 4.6.2017 to 7.6.2017 and decided to conduct Stage Orchestra Karagattam and Naiyandi Melam Programme on 4.6.2017 to 7.6.2017 at 9.00 p.m to 12.00 p.m at Arulmigu Sri Subramanianswamy Temple, Pudupatti Village, Cheramahadevi Taluk, Tirunelveli District. The third respondent has passed impugned order rejecting the petitioner's request and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner by the Villagers, there will be no untoward incident by the people of the village.

4. The only objection raised is that if permission is granted, it would likely lead to law and order problem. It is for the third respondent to impose any condition to maintain law and order problem.

5. Accordingly, the impugned order is set aside and the Writ Petition is allowed and the petitioner is permitted to conduct Stage Orchestra Karagattam and Naiyandi Melam Programme on 4.6.2017 to 7.6.2017 at 9.00 p.m to 12.00 p.m at Arulmigu Sri Subramanianswamy Temple, Pudupatti Village, Cheramahadevi Taluk, Tirunelveli District. , however, with the following conditions:-

(a) The Programmes in connection with temple Festival at Arulmigu Sri Subramanianswamy Temple, Pudupatti Village, Cheramahadevi Taluk, Tirunelveli District, be held on 4.6.2017 to 7.6.2017 at 9.00 p.m to 12.00 p.m

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste be played.

(e) No flex boards in support of any political party or communal leader be erected.



(f) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

WEB COPY

(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; and

(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

(i) The second respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

Sd

ASST REGISTRAR

TRUE COPY

SUB ASST REGISTRAR

CM

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Cheranmahadevi Division,
Cheranmahadevi Taluk, Tirunelveli District, Tirunelveli.
3. The Sub-Inspector of Police,
Pappakudi Police Station,
Pappakudi, Tirunelveli District.

1CC TO MR. S. KRISHNAN, ADVOCATE SR: 57608

1CC TO THE SPL GOVT PLEADER SR: 57857

JM SV SAR 2

1 6 2017

3P 6C

ORDER MADE IN
W.P (MD) No. 9850 of 2017