



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

WEB COPY

W.P.(MD)No.10273 of 2018andW.M.P.(MD)No.9306 of 2018

Thangamari

... Petitioner

Vs.

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

2.The Inspector of Police,
Manur Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in dated 21.04.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Innisai Kacheri" on 07.05.2018 to 08.05.2018 night at about 07.00 PM to 11.00 PM at Arulmigu Sri Thangamariamman Thirukovil is situated at South Vagaikulam, Manu Taluk, Tirunelveli District and to provide adequate police protection based on the petitioner's representation dated 03.04.2018.

For Petitioner

: Mr.M.Sankar

For Respondents

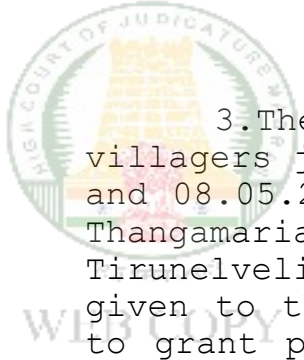
: Mr.K.Saravanan

Government Advocate.

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent, dated 11.04.2018 and quash the same and consequently to direct the respondents to grant permission to perform the cultural program of "Innisai Kacheri" on 07.05.2018 and 08.05.2018 night at about 07.00 PM to 11.00 PM at Arulmigu Sri Thangamariamman Thirukovil situated at South Vagaikulam, Manu Taluk, Tirunelveli District and to provide adequate police protection based on the representation of the petitioner, dated 03.04.2018.

2. Heard the learned counsel appearing for the petitioner and
<https://hservices.ecourts.gov.in/hservices/>
the learned Government Advocate appearing for the respondents.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Innisai Kacheri" on 07.05.2018 and 08.05.2018 night at about 07.00 PM to 11.00 PM at Arulmigu Sri Thangamariamman Thirukovil situated at South Vagaikulam, Manu Taluk, Tirunelveli District. In this connection, a representation was given to the first respondent police on 03.04.2018, with a request to grant permission to conduct the "innisai kacheri" on the above said date, however, the first respondent Police has rejected the said representation, by the impugned proceedings dated 11.04.2018 and hence the petitioner is before this Court with this Writ Petition.

4. The learned Government Advocate appearing for the respondents, on instructions, submitted that the respondents have serious objection for permitting the petitioner to conduct "Innisai Kacheri".

5. However, taking into account the serious objections of the respondent police, the impugned order passed by the first respondent, dated 11.04.2018 is set aside and the writ petition is allowed with the following direction:-

i) The second respondent/Inspector of Police, Manur Police Station, Tirunelveli District, is directed to reconsider the representation of the petitioner, dated 03.04.2018 and to give permission and to provide police protection for conducting "Innisai Kacheri" scheduled to be held on 07.05.2018 and 08.05.2018 night at about 07.00 PM till 09.30 PM at Arulmigu Sri Thangamariamman Thirukovil situated at South Vagaikulam, Manu Taluk, Tirunelveli District

ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

iii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.

iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

v) The participants of festival shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

vi) Songs praising communal leader or having communal overtones should not be played.

vii) The petitioner will ensure that sufficient protection must be given to the public, especially women and children.



viii) There should not be any Flex Boards or hoardings representing any community or political leaders;

ix) 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;

x) Similarly, the Police is empowered to stop the festival, if it exceeds beyond the permitted time that is upto 9.30 p.m.,;

xi) the participants of the festival shall not intake any kind of toxic substance or liquor during the festival;

(xii) If there is any untoward incident took place, the village people and the organizers of the festival be made responsible for the same;

(xiii) The respondent concerned is directed to issue necessary permission, incorporating the above conditions.

(xiv) The Referee must be authorized person from the District Association.

(XV) No permission is granted to conduct 'Addal Padal' programmes;

6. The second respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. There can be a total ban for putting up any Flex Boards or hoardings representing any community. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Manur Police Station,
Tirunelveli District.

+1cc to Special Government Pleader, SR.No. 65121

W.P. (MD) No. 10273 of 2018
03.05.2018

ta/dsk