



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

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W.P.(MD)No.10580 of 2018

P.Rajendran

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukkottai.

2.The Thasildar,
Manalmelkudi Taluk,
Pudukkottai District.

3.The Deputy Superintendent of Police,
Kottaipattinam, Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Manalmelkudi Police Station,
Pudukkottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 to 4 to permit the petitioner to conduct the yearly temple festival of Sri Vinayagar, Ayyanar, Chelliamman, Sri Lakshmi Narayana Perumal, Samban and Muneeswaran situated at Chellappan Kottai Village, Manalmelkudi, Pudukkottai District, scheduled to be held on Chithirai 24 to Vaikasi 24 (07.05.2018 to 07.06.2018) and consequently to give police protection for the same.

For Petitioner
For Respondents

: Mr.I.Velpradeep
: Mr.K.Saravanan
Government Advocate.

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, to direct the respondents 2 to 4 to permit the petitioner to conduct the yearly temple festival of Sri Vinayagar, Ayyanar, Chelliamman, Sri Lakshmi Narayana Perumal, Samban and Muneeswaran situated at Chellappan Kottai Village, Manalmelkudi, Pudukkottai District, scheduled to be held on Chithirai 24 to Vaikasi 24 (07.05.2018 to 07.06.2018) and consequently to give police protection for the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "temple festival" of Sri Vinayagar, Ayyanar, Chelliamman, Sri Lakshmi Narayana Perumal, Samban and Muneeswaran temple from 07.05.2018 to 07.06.2018 at Chellappan Kottai Village, Manalmelkudi, Pudukkottai District. In this connection, a representation was given to the respondents 2 to 4 on 02.05.2018, with a request to grant permission to conduct the tournament on the above said date, however, the respondents 2 to 4 has not considered the said representation of the petitioner and hence the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that the temple festival will be conducted in a peaceful manner by the villagers and there will be no untoward incident by the people of the village.

4. The learned Government Advocate appearing for the respondents, on instructions, submitted that the respondents have serious objection for permitting the petitioner to conduct "temple festival ", on the ground that there may be law and order problem.

5. However, taking into account the serious objections of the respondent police, this Writ Petition is allowed with the following directions:-

i) The fourth respondent/Inspector of Police, Manalmelkudi Police Station, Pudukkottai District, is directed to consider the representation of the petitioner, dated 02.05.2018 and to give permission and to provide police protection for conducting "temple festival" of Sri Vinayagar, Ayyanar, Chelliamman, Sri Lakshmi Narayana Perumal, Samban and Muneeswaran temple scheduled to be held from 07.05.2018 to 07.06.2018 at Chellappan Kottai Village, Manalmelkudi, Pudukkottai 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 and necessary medicines in the venue.

v) The participants of temple 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 must ensure safety to the public especially ladies and children.

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

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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 temple 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 tournament;

(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 for any sort of Adal Padal Programmes.

6. The fourth 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 representing any community. No costs.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukottai District,
Pudukkottai.

2. The Thasildar,
Manalmelkudi Taluk,
Pudukkottai District.

3. The Deputy Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Kottai pattanam, Pudukkottai District,
Pudukkottai.



4.The Inspector of Police,
Manalmelkudi Police Station,
Pudukkottai District.

+1cc to Special Government Pleader, SR.No. 65119

W.P.(MD)No.10580 of 2018

ta/dsk

JM/SV MMS/SAR 1/17.05.2018/4P/6C