

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.05.2018

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THE HON'BLE MRS.JUSTICE R.THARANI**W.P.(MD)No.10694 of 2018**

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S.Sakthivel

... Petitioner

-Vs-

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

2. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant permission and police protection to conduct 'Kodai Vizha Festival' in the Arulmighu Sree Mutharamman Kovil' at Ilayaneri Village, Thoothukudi District scheduled to be held on 20.05.2018 to 24.05.2018, based on the petitioner's representation, dated 28.04.2018.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to grant permission and police protection to conduct 'Kodai Vizha Festival' in Arulmighu Sree Mutharamman Kovil at Ilayaneri Village, Thoothukudi District scheduled to be held on 20.05.2018 to 24.05.2018, based on the petitioner's representation, dated 28.04.2018.

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

3. The learned counsel appearing for the petitioner submitted that there are two groups in the Village and the last year, one group headed by Chermadurai conducted the Kodai Vizha festival and this year, other group headed by Sakthivel decided to conduct 'Kodai Vizha Festival' in Arulmighu Sree Mutharamman Kovil at Ilayaneri Village, Thoothukudi District, scheduled to be held on 20.05.2018 to 24.05.2018 and there is no dispute regarding this. He further submitted that in this connection, a representation was



given to the respondents on 28.04.2018, with a request to grant permission and protection to conduct the programme 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.

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4. The learned Government Advocate appearing for the respondent submitted that this Court may grant permission for conducting 'Kodai Vizha Festival' in Arulmighu Sree Mutharamman Kovil at Ilayaneri Village, Thoothukudi District, scheduled to be held on 20.05.2018 to 24.05.2018, subject to stringent conditions.

5. Records perused. Already before the R.D.O., both groups in the village came into a compromise to celebrate temple festival headed by each group in alternative years. It is seen that last year a group headed by Chermadurai conducted the festival. The group headed by the petitioner is entitled to conduct the temple festival this year.

6. 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, Sathankulam Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 28.04.2018 and to give permission and to provide police protection for conducting 'Kodai Vizha Festival' in Arulmighu Sree Mutharamman Kovil at Ilayaneri Village, Thoothukudi District, scheduled to be held on 20.05.2018 to 24.05.2018, subject to the following conditions;

*(a) the 'Kodai Vizha Festival' in Arulmighu Sree Mutharamman Kovil at Ilayaneri Village, Thoothukudi District, scheduled to be held on 20.05.2018 to 24.05.2018 should be completed before **09.30 p.m.***

(b) there should not be any kind of obscene or vulgar dialogues during the performance, by any one of the participants;

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no songs, touching upon any political party or community or caste be played; safety of public, especially ladies and children should be assured;

(e) no flex boards in support of any political party or religious leader be erected;



(f) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste; the function should be conducted in such a manner so as to give full protection to the public especially to the ladies and children;

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(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.

7. It is open to the respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public peace 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,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

+1cc to Mr.R.Pon Karthikeyan, Advocate Sr.No.65287

+1cc to Spl.Government Pleader Sr.No.65333

AKV

VB/SV/SAR3/15/05/2018/3P/5C