



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.05.2018

CORAM

THE HON'BLE MRS.JUSTICE R.THARANI

W.P.(MD)No.10785 of 2018

K.Sangan

... Petitioner

-Vs-

1. The District Collector,
Theni, Theni District.

2.The Tahsildar,
Periyakulam,
Theni District.

3.The Superintendent of Police,
Theni, Theni District.

4.The Sub Inspector of Police,
Jeyamangalam Police Station,
Theni District.

... Respondents

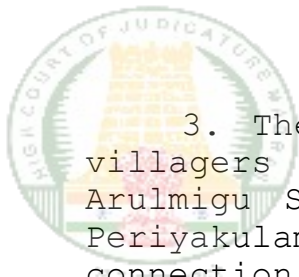
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to forthwith consider and dispose of the petitioner's representation dated 28.04.2018 seeking police protection during the pournami Visagam Festival performed in his private family temple, A/m. Sangiah Temple, Ahagar Naickenpatti, Melmangalam Village Periyakulam Taluk, Theni District, scheduled on 27.05.2018 and 28.05.2018.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.V.P.M.Vaishnavi
Government Advocate

O R D E R

This Writ petition is filed for issuance of a Writ of Mandamus to direct the respondents herein to consider and dispose of the petitioner's representation, dated 28.04.2018 seeking police protection during Pournami Visagam Festival performed in the petitioner's private family temple, namely, Arulmigu Sangiah Temple, Ahagar Naickenpatti, Melmangalam Village Periyakulam Taluk, Theni District, scheduled to be held on 27.05.2018 and 28.05.2018.

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 Pournami Visagam Festival, at Arulmigu Sangiah Temple, Ahagar Naickenpatti, Melmangalam Village Periyakulam Taluk, Theni District. He further submitted that in this connection, 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.

4. The learned Government Advocate appearing for the respondent submitted that this Court may grant permission for "Pournami Visagam Festival" at Arulmigu Sangiah Temple, Ahagar Naickenpatti, Melmangalam Village Periyakulam Taluk, Theni District, subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The fourth respondent/The Sub Inspector of Police, Jeyamangalam Police Station, Theni District, is directed to consider the representation of the petitioner, dated 28.04.2018 and to give permission and to provide police protection for "Pournami Visagam Festival", at Arulmigu Sangiah Temple, Ahagar Naickenpatti, Melmangalam Village Periyakulam Taluk, Theni District, scheduled to be held on 27.05.2018 and 28.05.2018, subject to the following conditions;

(a) the "Pournami Visagam Festival", at Arulmigu Sangiah Temple, Ahagar Naickenpatti, Melmangalam Village Periyakulam Taluk, Theni District, scheduled to be held on 27.05.2018 and 28.05.2018 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;

(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;

(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.

(k) No permission is granted for 'Adal Padal' programme.

6. 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 District Collector,
Theni, Theni District.

2. The Tahsildar,
Periyakulam,
Theni District.

3. The Superintendent of Police,
Theni, Theni District.

4. The Sub Inspector of Police,
Jeyamangalam Police Station,
Theni District.

+1cc to M/S.K.Appadurai, Advocate SR.No. 65199

W.P. (MD No.10785 of 2018
09.05.2018

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JM/SV MMS/SAR 3/16.05.2018/3P/6C