



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2018

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THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.10973 of 2018

S.Karunakaran

... Petitioner

Vs.

1.The Superintendent of Police
Tirunelveli
Tirunelveli District

2.The Deputy Superintendent of Police
Ambasamudram
Tirunelveli District

3.The Inspector of Police
Kallidaikurichi Police Station
Kallidaikurichi
Tirunelveli District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of CERTIORARIFIED MANDAMUS to call for the records of the 2nd respondent by his impugned proceedings in Na.Ka.No.257/Se.Mu.Aa/Ka.Thu.Ka/2018, dated 04.05.2018 and quash the same and consequently direct the respondents to grant permission and protection for conduct of Villisai on 28.05.2018, 29.05.2018 and 30.05.2018 at 10.00 p.m. in Arulmigu Santhana Mariamman Temple, Kallidaikurichi Village, Ambasamudram Taluk Tirunelveli District.

For Petitioner : Mr.N.Vignesh
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

The prayer in this writ petition is to call for the records of the 2nd respondent by his impugned proceedings in Na.Ka.No.257/Se.Mu.Aa/Ka.Thu.Ka/2018, dated 04.05.2018 and quash the same and consequently direct the respondents to grant permission and protection for conduct of Villisai on 28.05.2018, 29.05.2018 and 30.05.2018 at 10.00 p.m. in Arulmigu Santhana Mariamman Temple, Kallidaikurichi Village, Ambasamudram Taluk,



Tirunelveli District.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing on behalf of the respondents.

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3. In an identical matter, a Division Bench of this Court in an order passed in W.P.(MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District], had granted permission to the petitioner to conduct cultural programme on certain conditions. The said conditions read as follows:

"a) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

c) The dance performance shall be restricted between 6.00 p.m. and 11.00 p.m.

d) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner".

4. I am of the view that similar conditions may also be imposed in the present writ petition. Consequently, the Writ Petition Stands allowed and the impugned order passed by the second respondent is set aside and the second respondent is directed to grant permission and protection for conduct of Villisai on 28.05.2018, 29.05.2018 and 30.05.2018 at 10.00 p.m. in Arulmigu Santhana Mariamman Temple, Kallidaikurichi Village, Ambasamudram Taluk, Tirunelveli District, subject to the aforesaid conditions. There shall be no order as to costs.

Sd/
Vacation officer

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police

<https://hcservices.ecourts.gov.in/hcservices/>

Tirunelveli District



2.The Deputy Superintendent of Police
Ambasamudram
Tirunelveli District

3.The Inspector of Police
Kallidaikurichi Police Station
Kallidaikurichi
Tirunelveli District

+1cc to Mr.N.VIGNESH, Advocate, SR.No. 65708

+1cc to M/s.Special Government Pleader,SR.No. 65630

W.P. (MD) .No.10973 of 2018
16.05.2018

MSA

KK/SKN RSK/SAR-3/23.05.2018/3P-6C