



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2018

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THE HON'BLE MRS. JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11322 of 2018

and

W.M.P.(MD)No.10311 of 2018

Hindu Vaaniyar Vanika Vaisya Samuthayam,
Represented by its President,
T.Ramakrishnan.

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

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

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 2nd respondent's proceedings against the petitioner's representation for conducting the program of Villisai dt.21.05.2018 as illegal, arbitrary and violation of Article 14 of the constitution of India and quash the same and consequently direct the first respondent to instruct the 2nd respondent to give permission to conduct Villisai program along with all electrical and electronics accessories, for following dates and time from 28.05.2018 to 30.05.2018 (1st day morning 9 a.m., to 12 p.m., and all the 3 days 7 p.m., to 12.30 a.m.,) at Arulmigu Selva Vinayagar Kovil, Arulmigu Muttharamman Kovil, Arulmigu Santhana Mariyamman Kovil, Arulmigu Sudalamadasamy Kovil, which is located in 6th road, kallidaikurichi, Tirunelveli District.

For Petitioner : Mr.A.MU.Sharavanan
For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

The prayer in this writ petition is to quash the impugned order of the 2nd respondent's proceedings against the petitioner's representation for conducting the program of Villisai dt.21.05.2018 as illegal, arbitrary and violation of Article 14 of the constitution of India and consequently direct the first respondent to instruct the 2nd respondent to give permission to conduct Villisai program along with all electrical and electronics accessories, for following dates and time from 28.05.2018 to



30.05.2018 (1st day morning 9 a.m., to 12 p.m., and all the 3 days 7 p.m., to 12.30 a.m.,) at Arulmigu Selva Vinayagar Kovil, Arulmigu Muttharamman Kovil, Arulmigu Santhana Mariyamman Kovil, Arulmigu Sudalamadasamy Kovil, which is located in 6th road, kallidaikurichi, Tirunelveli District.

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

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 impugned order dated 21.05.2018 is quashed and the Writ Petition stands allowed. The second respondent is directed to grant permission to the writ petitioner to conduct the cultural programme at Arulmigu Selva Vinayagar Kovil, Arulmigu Muttharamman Kovil, Arulmigu Santhana Mariyamman Kovil, Arulmigu Sudalamadasamy Kovil, which is located in 6th road, kallidaikurichi, Tirunelveli District, from 28.05.2018 to 30.05.2018, subject to the aforesaid conditions. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer

/True copy/



To

1.The Superintendent of Police,
Tirunelveli District.

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

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.S.Mahalingam, Advocate, SR.No.66000.

+1cc to Special Government Pleader, SR.No.66173.

W.P.(MD).No.11322 of 2018

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RAM/PS/SAR 3/25.05.2018/3P/6C