



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.12.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD) No.24432 of 2018

R.Shankar

... Petitioner

vs.

1. Superintendent of Police,
Thoothukudi District,
Thoothukudi.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the respondents herein to consider the petitioner's representation dated 24.11.2018 and to give the permission for conducting cultural programme on 28.12.2018 in connection with Arulmigu Nadavu Sudalai Aandavar Thirukoil, Theethathapuram, Tiruchendur Taluk, Thoothukudi District based on representation dated 24.11.2018.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor.

ORDER

This Writ Petition has been filed praying to direct the respondents herein to give permission for conducting cultural programme on 28.12.2018 in connection with Arulmigu Nadavu Sudalai Aandavar Thirukoil, Theethathapuram, Tiruchendur Taluk, Thoothukudi District, by way of considering the petitioner's representation dated 24.11.2018.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



3. The learned counsel for the petitioner would submit that the petitioner is a resident of Udangudi. Every year, the villagers conduct Kodai Thiruvila in Arulmigu Nadavu Sudalai Aandavar Thirukoil in a peaceful manner and this year also, the temple festival is scheduled to be held on 27.12.2018 to 29.12.2018. The villagers are conducting traditional singing and dancing program in every second day of festival and this year also the villagers have decided to conduct the cultural programme on 28.12.2018. In this regard, the petitioner gave a representation to the respondents on 24.11.2018 seeking permission for conducting the said programme. Since no action has been taken, the present writ petition has been filed.

4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the respondents have no serious objection. He further submitted that permission may be granted subject to stringent conditions.

5. 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, Kulasekarapattinam Police Station, Kulasekarapattinam, Thoothukudi District is directed to consider the representation of the petitioner, dated 24.11.2018 and to give permission and to provide police protection for cultural programme done by Arulmigu Nadavu Sudalai Aandavar Thirukoil, Theethathapuram, Tiruchendure Taluk, Thoothukudi District, scheduled to be held on 28.12.2018, subject to the following conditions;

(a) Cultural programme done by Arulmigu Nadavu Sudalai Aandavar Thirukoil, Theethathapuram, Tiruchendure Taluk, Thoothukudi District scheduled to be held on 28.12.2018, should be completed before 11.00 p.m..

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

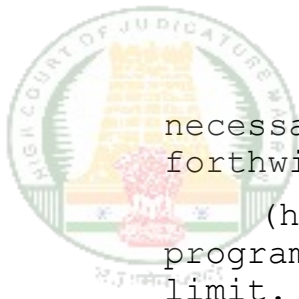
(c) Double meaning songs should not be played as they will spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is 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 forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

6.It is open to the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community. No costs.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Kulasekarapattinam Police Station,
Kulasekarapattinam,
Thoothukudi District.

+1cc to Mr.V.Rajiv Rufus,Advocate,SR.NO.99993

cp
SS/RSK/SAR 3/20.12.2018/3P/4C

W.P. (MD) No.24432 of 2018
12.12.2018