



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. (MD). No. 17989 of 2018

WEB COPY

K.Selvaraj

...Petitioner

Vs.

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

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

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the entire records pertaining to the order passed by the second respondent on 01.08.2018 and quash the same and consequently direct the second respondent to grant permission and police protection to conduct Avani Perunkodai Festival at Sri Sudalai Andavar Thiru Kovil, situated at North Street, Thisaiyanvillai from 19.08.2018 till 24.08.2018 including the programs of Innisai Katcheri and Adal Padal Nigalchi as per their scheduled timings mentioned in their invitation.

For Petitioner
For Respondents

:Mr.R.Anand
:Mr.B.Bhagawathi
Government Advocate

O R D E R

This Writ Petition has been filed challenging the order passed by the second respondent dated 01.08.2018 rejecting the permission sought for by the petitioner to conduct Music Programme from 19.08.2018 to 24.08.2018 at "Sri Sudalai Andavar Thiru Kovil", situated at North Street, Thisaiyanvillai, in view of the "Perunkodai Festival".

2.The learned counsel for the petitioner would submit that this festival has been conducted for a long period of time. He further contended that the second respondent has rejected the representation made by the petitioner in a mechanical manner without taking into consideration the importance of the festival and also the orders that have been passed in the previous years.

3.Per contra, the learned Government Advocate would contend that the second respondent had taken such a decision only to ensure that such programmes did not extend beyond 10.00 pm., in the night. It is also submitted that similar orders have been passed in many of the cases and the petitioner has not been discriminated.



4. It is seen from the material placed before the Court that the festival has been conducted by the petitioner for a long period of time. When the similar issue with regard to conduct of this festival came up before this Court during the last year, this Court passed an order in W.P(MD).No.15434 of 2017, dated 17.08.2017, wherein this Court permitted the petitioner to conduct the festival subject to certain conditions. There are no serious complaints against the petitioner and the permission is sought for only for the purpose of conducting music programme. The invitation has been filed in this writ petition also reveals the fact that the music programme is sought to be conducted with celebrities and therefore, the people in the village will enjoy the programme and permitting the music programme will not in any way cause any law and order problem in the village. Therefore, this Court deems it fit to permit the petitioner to conduct the music programme at "Sudalai Andavar Thirukovil".

5. Considering the practice and custom of conducting the temple festival beyond 02.00 am., on the next day of important days, the impugned order passed by the second respondent, dated 01.08.2018, is set aside and the second respondent is directed to grant permission to the petitioner to conduct the "Aavani Perunkodai Festival" from 19.08.2018 to 24.08.2018 subject to the following conditions:-

"(a) It is made clear that this order is issued only to enable the petitioner to conduct the music programme namely, "Innisai Kacheri" and not for conducting any other programme

(b) the timing of the programme in connection with the festival of "Kodaivizha" at "Sri Sudali Andavar Thirukoivl" situated at North Steet, thisaiyanvillai, Tirunelveli District scheduled to be held from 19.08.2018 to 24.08.2018 shall be extended beyond usual time and the petitioner is permitted to conduct the religious and non-religious functions simultaneously till 02.00 am., on the next day.

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

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

(e) no dance or songs, touching upon any political party or religion, community or caste be played;

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



(g) the function should not be affected either religious or communal harmony and shall be conducted without any discrimination based on caste;

(h) 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.

(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."

6. The writ petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-I)

To

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

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

+1CC to Mr. R. Anand Advocate in SR.No.78704.

+1CC to Special Government Pleader in SR.No.78862.

RMK

DS/SKN-RSKS/SAR-1 :16.08.2018: 3P/5C

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14.08.2018