



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARW.P. (MD) No.17174 of 2017

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... Petitioner

-Vs-

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

2.The Assistant Superintendent of Police,
(Now in charge of Nanguneri Division),
Cheranmahadevi Division,
Tirunelveli District.

3.The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the second respondent in his proceedings in Na.Ka.No.60/Se.Mu.Aa/U.Ka.ka/Cherai/2017 dated 16.08.2017 and quash the same as illegal and consequently directing the 2nd and 3rd respondent to permit and to give police protection to the petitioner's temple to conduct "Villu pattu and orchestra (Innesai Katcheri)" with enabling minimum level of sound service and also the statute of deity carried by a chariot scheduled on 21.09.2017 to 23.09.2017 from 8 P.M to 02.00 A.M at Arulmighu Mettu Sudalai Andavar Kovil at Govindaperi Village, Cheranmahadevi Taluk, Tirunelveli District.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus calling for the records relating to impugned order passed by the second respondent in his proceedings in Na.Ka.No.60/Se.Mu.Aa/U.Ka.ka/Cherai/2017 dated 16.08.2017 and quash the same as illegal and consequently directing the 2nd and 3rd respondent to permit and to give police protection to the petitioner's temple to conduct "Villu pattu and orchestra (Innisai



Katcheri)" with enabling minimum level of sound service and also the statute of deity carried by a chariot scheduled on 21.09.2017 to 23.09.2017 from 8 P.M to 02.00 A.M at Arulmighu Mettu Sudalai Andavar Kovil at Govindaperi Village, Cheranmahadevi Taluk, Tirunelveli District.

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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Villu Pattu and Orchestra (Innisai Katcheri)" programme on 21.09.2017 to 23.09.2017 from 8 P.M. to 02.00 A.M. in connection with "Arulmighu Mettu Sudalai Andavar Kovil at Govindaperi Village, Cheranmahadevi Taluk, Tirunelveli District. He further submitted that the second respondent issued order passed in his proceedings in Na.Ka.No.60/Se.Mu.Aa/U.Ka.ka/Cherai/2017, dated 16.08.2017. Now, challenging the same, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents submitted that the permission is granted by an order dated 16.08.2017 subject to the stringent conditions. The first condition is that whereby the petitioner is permitted to use Mike and Speakers only between 9.00. a.m. to 10 p.m.. The usage of mike and loud speakers is restricted by stating that the petitioner shall not use the same continuously for 3 hours.

5. Considering the fact that the condition has been prescribed by the second respondent taking into account of the public convenience and to restrict noise pollution, this Court is not inclined to relax the said condition fully. However, the petitioner shall be permitted to use the loud speakers and mike up to 10.30 p.m. There may not be any restriction for using the mike continuously for more than 3 hours. In respect of any religious ceremony inside the temple, the petitioner can perform the same without any time restrictions. The impugned order is not modified any further.

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

The third respondent / The Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District, is directed to provide police protection for "Villu pattu and orchestra (Innesai Katcheri)" with enabling minimum level of sound service and also the statute of deity carried by a chariot scheduled on 21.09.2017 to 23.09.2017, subject to the following conditions;



Sudalai Andavar Kovil at Govindaperi Village, Cheranmahadevi Taluk, Tirunelveli District, scheduled to be held on 21.09.2017 to 23.09.2017 should be completed before **10.30 p.m.** or as may be permitted by the respondent police.

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(b) there should not be any kind of obscene dance 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 dance or songs, touching upon any political party or religion, community or caste be played;

(e) there should not be any Flex Boards representing any community or political leaders;

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

(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.

6. It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order 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 Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Assistant Superintendent of Police,
(Now in charge of Nanguneri Division),
Cheranmahadevi Division,
Tirunelveli District.

3.The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 78658
SM/SSS
JS/SKN.RSK/SAR.3/19.09.2017/4P-5C

W.P. (MD) No.17174 of 2017
12.09.2017