



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10064 of 2019

M.Shenbagaraj

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Kovilpatti West Police Station,
Tuticorin District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the second respondent to grant permission and police protection to conduct the programme namely, "Cultural Programme" in Arulmigu Mettukaliyamman Temple "Chithirai" festival on 06.05.2019 from 08.35 p.m., to 11.30 p.m., in the petitioner's village (Kovilpatti), Kovilpatti Taluk, Tuticorin District on the basis of the petitioner's representation dated 08.04.2019.

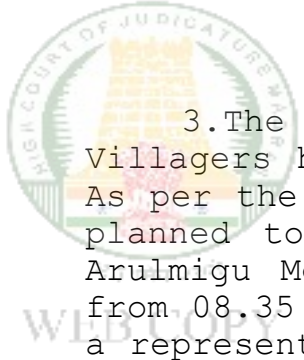
For Petitioner : Mr.S.Suresh Manickam

For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition has been filed to direct the second respondent to grant permission and police protection to conduct the programme namely, "Cultural Programme" in Arulmigu Mettukaliyamman Temple "Chithirai" festival on 06.05.2019 from 08.35 p.m., to 11.30 p.m., in the petitioner's village (Kovilpatti), Kovilpatti Taluk, Tuticorin District on the basis of the petitioner's representation dated 08.04.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents



3.The learned counsel for the petitioner would submit that the Villagers have conducted the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct the programme namely, "Cultural Programme" in Arulmigu Mettukaliyamman Temple "Chithirai" festival on 06.05.2019 from 08.35 p.m., to 11.30 p.m. In this regard, the petitioner gave a representation to the respondents on 08.04.2019. Since no action has been taken, the present writ petition has been filed.

4.The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that while on principle, the second respondent has no obstruction from granting permission to the petitioner for conducting the programme, the venue of the programme is questionable, as it is on a congestive place. Now, the petitioner is willing to change the venue to A.K.S. Theatre Road. The learned Government Advocate (Crl.Side) on the instructions of the second respondent agrees to the same.

5.Considering the facts and circumstances of the case, this Court grants permission to conduct **Chithirai Festival** on **06.05.2019** in **Arulmighu Mettukaliyamman Temple** in the new place i.e., **A.K.S. Theatre Road, Kovilpatti Taluk, Tuticorin District**, and the Writ Petition is disposed of with the following directions:

*The second respondent / Inspector of Police, Kovilpatti West Police Station, Tuticorin District, is directed to consider the representation of the petitioner dated 08.04.2019 and to give permission and to provide police protection for **Chithirai Festival** in **Arulmigu Mettukaliyamman Temple, Kovilpatti Taluk, Tuticorin District**, scheduled to be held on **06.05.2019**, subject to the following conditions:-*

(a) programme i.e., **Chithirai Festival**, done in **A.K.S. Theatre Road, Kovilpatti Taluk, Tuticorin District**, scheduled to be held on **06.05.2019**, 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) No donation shall be received from any political party or in the name of any Member associated with any political party.



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

(h) 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

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

(j) 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-III)

/ True Copy /

Sub Assistant Registrar (CS)

Myr

To

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Kovilpatti West Police Station,
Tuticorin District.

+1 CC to M/s.S.SURESH MANICKAM, Advocate
(SR-63169[F] dated 27/04/2019)

Order made in
W.P. (MD) No.10064 of 2019