



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.10086 of 2019

WEB COPY

Arumugakumar

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Ambasamudram Sub-Division,
Ambasamudram,
Tirunelveli District.

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

4.The Sub-Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents more particularly to the 2nd respondent to grant permission for conducting the Innisai Kacheri (Orchestra) scheduled to be held on 29.05.2019 between 8.00 pm to 12.00 am at Kamatchi Amman Kovil Kodai Vila, North Pappankulam, Ambasamudram Taluk, Tirunelveli District, by considering the petitioner's representation dated 11.04.2019.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mrs.S.Bharathi

Government Advocate

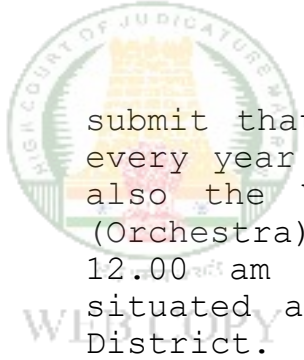
ORDER

This writ petition has been filed to grant permission and protection for conducting Innisai Kacheri (Orchestra) scheduled to be held on 29.05.2019 between 8.00 pm to 12.00 am at Kamatchi Amman Kovil Kodai Vila, North Pappankulam, Ambasamudram Taluk, Tirunelveli District, by considering the petitioner's representation dated 11.04.2019.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the petitioner would



submit that the Villagers have been conducting the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct the Innisai Kacheri (Orchestra), scheduled to be held on 29.05.2019 between 8.00 pm to 12.00 am in connection with Kamatchi Amman Kovil Kodai Vila, situated at North Pappankulam, Ambasamudram Taluk, Tirunelveli District. In this regard, the petitioner gave representations to the respondents on 30.03.2019 and 11.04.2019. 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 the respondents have no serious objection. She further submitted that permission may be granted subject to stringent conditions.

5. Considering the facts and circumstances of the case, this Court grants permission to conduct the Innisai Kacheri (Orchestra) scheduled to be held on 29.05.2019 between 8.00 pm to 11.00 pm in connection with Kamatchi Amman Kovil Kodai Vila, situated at North Pappankulam, Ambasamudram Taluk, Tirunelveli District and the Writ Petition is disposed of with the following directions:

The third respondent / Inspector of Police, Alwarkurichi Police Station, Tirunelveli District, is directed to consider the representations of the petitioner, dated 30.03.2019 and 11.04.2019 and to give permission and to provide police protection for the Innisai Kacheri (Orchestra), scheduled to be held on 29.05.2019 between 8.00 pm to 11.00 pm, before 12.00 p.m., in connection with Kamatchi Amman Kovil Kodai Vila, situated at North Pappankulam, Ambasamudram Taluk, Tirunelveli District subject to the following conditions:-

(a) programme i.e., Innisai Kacheri (Orchestra), done in Kamatchi Amman Kovil Kodai Vila, situated at North Pappankulam, Ambasamudram Taluk, Tirunelveli District, scheduled to be held on 29.05.2019, 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 third 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)

vs

To

1. The Superintendent of Police, Tirunelveli District.
 2. The Deputy Superintendent of Police,
Ambasamudram Sub-Division, Ambasamudram, Tirunelveli District.
 3. The Inspector of Police,
Alwarkurichi Police Station, Tirunelveli District.
 4. The Sub-Inspector of Police,
Alwarkurichi Police Station, Tirunelveli District.
- +1 CC to M/s. R. VINOTH BHARATHI, Advocate (SR-62585[F] dated 25/04/2019)

W.P. (MD) No. 10086 of 2019
25.04.2019