



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE**W.P.(MD)No.10162 of 2019**

S.Kaviarasu

... Petitioner

Vs.

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

2.The Inspector of Police,
Keeranur Police Station,
Keeranur
Dindigul District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent to permit the petitioner to conduct the cultural function viz. Kiramiya Kalai Nigalchi during the temple festival of "Sree Kariya Kali Amman Temple", No.1/5 Mearku Theru, Rajampatti Post, Palani Taluk, Dindigul District on 01.05.2019 between 7.00 pm to 12.00 pm and further direct the respondent to give adequate police protection for the above said programme.

For Petitioner : Mr.K.Veilmuthu

For Respondents : Mrs.S.Bharathi
Government Advocate**ORDER**

This writ petition has been filed to grant permission and protection for conducting cultural function viz. 'Kiramiya Kalai Nigalchi' during the temple festival of "Sree Kariya Kali Amman Temple", No.1/5 Mearku Theru, Rajampatti Post, Palani Taluk, Dindigul District on 01.05.2019 between 7.00 pm to 12.00 pm.

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

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 a 'Kiramiya Kalai Nigalchi', scheduled to be held on 13.05.2019 between 7.00 P.M to 12.00 P.M. in "Sree Kariya Kali Amman Temple", No.1/5 Mearku



Theru, Rajampatti Post, Palani Taluk, Dindigul District. In this regard, the petitioner gave representation to the respondents on 22.04.2019. 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 'Kiramiya Kalai Nigalchi' scheduled to be held on on 01.05.2019 between 7.00 P.M to 11.00 P.M. in "Sree Kariya Kali Amman Temple", No.1/5 Mearku Theru, Rajampatti Post, Palani Taluk, Dindigul District and the Writ Petition is disposed of with the following directions:

*The **second respondent / Inspector of Police, Keeranur Police Station, Dindigul District**, is directed to consider the representation of the petitioner, dated 22.04.2019 and to give permission and to provide police protection for the 'Kiramiya Kalai Nigalchi', **scheduled to be held on 01.05.2019, before 12.00 p.m.**, in "Sree Kariya Kali Amman Temple", No.1/5 Mearku Theru, Rajampatti Post, Palani Taluk, Dindigul District, subject to the following conditions:-*

(a) **programme I.e.'Kiramiya Kalai Nigalchi', in "Sree Kariya Kali Amman Temple", No.1/5 Mearku Theru, Rajampatti Post, Palani Taluk, Dindigul District, scheduled to be held on 01.05.2019, 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

// True Copy //

Sub Assistant Registrar (CS)

vs

To

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

2.The Inspector of Police,
Keeranur Police Station,
Keeranur
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.K.VEIL MUTHU, Advocate Sr. No. 62649

W.P.(MD)No.10162 of 2019

SP (30.04.2019) 3P 5C