



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10267 of 2019

S.Nainar Thevar

:Petitioner

Vs.

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

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

:Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second Respondent to grant permission and to perform the cultural program, namely, "Innisai Katcherry" by an orchestra team on 26.04.2019 at about 08.00 p.m., at Shree Thambiraatti Amman Temple, Keelapuliur Village, Tenkasi Post, Tirunelveli District by considering the petitioner's representation dated 19.04.2019.

For Petitioner

: Mr.M.Solaisamy

For Respondents

: Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the second Respondent to grant permission and to perform the cultural program, namely, "Innisai Katcherry" by an orchestra team on 26.04.2019 at about 08.00 p.m., at Shree Thambiraatti Amman Temple, Keelapuliur Village, Tenkasi Post, Tirunelveli District by considering the petitioner's representation dated 19.04.2019.

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 **Innisai Katcheri** on 26.04.2019 at night. In this representation, the petitioner gave a representation to the respondents on 19.04.2019. 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. He further submitted that permission may be granted subject to stringent conditions.

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5. Considering the facts and circumstances of the case, this Court grants permission to conduct **Innisai Katcheri** on 26.04.2019 up to 11.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Tenkasi Police Station, Tiruvelveli District, is directed to consider the representation of the petitioner, dated 19.04.2019 and to give permission and to provide police protection for "Innisai Katcheri" program in Shree Thambiraatti Amman Temple, Keelapuliyur Village, Tenkasi Post, Tirunelveli District, scheduled to be held on 26.04.2019, subject to the following conditions:-

(a) programme I.e., Innisai Katcheri, done in Shree Thambiraatti Amman Temple, Keelapuliyur Village, Tenkasi Post, Tirunelveli District, scheduled to be held on 26.04.2019, 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 (WRITS)

// True Copy //

Sub Assistant Registrar (CS III)

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To

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

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

+1 CC to M/s. M. SOLAISAMY, Advocate (SR-63049[F] dated 26/04/2019)

Order made in

W.P. (MD) No. 10267 of 2019

DS/ /SAR- (26.04.2019) 3P 4C