



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

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THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 10556 of 2019

WEB COPY

M. Velsamy

... Petitioner

Vs.

1. The Superintendent of Police,
Pudhukottai District.

2. The Inspector of Police,
Mathur Police Station,
Mathur,
Pudhukottai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission and protection to conduct the cultural function viz., "Kiramiya Kalainigalchi" during the temple festival of "Arulmigu Shree Muthu Mariamman Temple", 1763-S.Melapatti, Aavoor Post, Kulathur Taluk, Pudhukotai District on 28.04.2019 between 7.00 p.m. to 12.00 p.m.

For Petitioner : Mr. K. Veilmuthu

For Respondents : Mrs. S. Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the respondents to grant permission and protection to conduct the cultural function viz., "Kiramiya Kalainigalchi" during the temple festival of "Arulmigu Shree Muthu Mariamman Temple", 1763-S.Melapatti, Aavoor Post, Kulathur Taluk, Pudhukotai District on 28.04.2019 between 7.00 p.m. to 12.00 p.m., by considering the petitioner's representation dated 24.04.2019.

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 cultural programme for the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct cultural function viz., "Kiramiya Kalainigalchi" to be held on 28.04.2019 to be conducted during the temple festival of "Arulmigu Shree Muthu Mariamman Temple", 1763-S.Melapatti, Aavoor Post, Kulathur Taluk, Pudhukotai District. In this regard, the petitioner gave a representation to the respondents on 24.04.2019. 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.

5. In view of the above, the second respondent police is directed to verify as to whether the troupe fixed by the petitioner is actually performing traditional folk dances including **Oyilattam and Mayilattam** and if the second respondent is satisfied, then, the second respondent is required to grant permission as per the terms and conditions. He is further directed to get the names of the other participants and their addresses.

6. Considering the facts and circumstances of the case, this Court grants permission to conduct "Kiramiya Kalainigalchi" i.e., **Oyilattam and Mayilattam** by disciplined Young artists with full cover dress code on 28.04.2019 and the Writ Petition is disposed of with the following directions:

*The second respondent / Inspector of Police, Mathur Police Station, Mathur, Pudhukottai District, is directed to consider the representation of the petitioner, dated 24.04.2019 and to give permission and to provide police protection for conducting cultural programme namely, **Oyilattam and Mayilattam** scheduled to be held on 28.04.2019, subject to the following conditions:-*

(a) Oyilattam and Mayilattam at the temple festival of "Arulmigu Shree Muthu Mariamman Temple", situated at 1763-S.Melapatti, Aavoour Post, Kulathur Taluk, Pudhukotai District, scheduled to be held on 28.04.2019, should be completed **before 10.00 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 price shall be given in the name of any political party or in the name of any Member associated with any political party.

(g) No donation shall be received from any political party or in the name of any Member associated with any political party.



(h) No speeches supporting or opposing any political party shall be made. No symbol of any political party or picture of any person affiliated in the political party shall be used.

i) The festival should be conducted in the spirit of festival and there will not be any bogey for political combine for the general election, 2019.

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

(k) 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

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

(m) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

7. 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.

8. The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of **Oyilattam and Mayilattam** and no law and order problem will arise. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Pudhukottai District.

2. The Inspector of Police,
Mathur Police Station,
Mathur, Pudhukottai District.

+1cc to Mr.K.Veilmuthu, Advocate, SR.No.63478

W.P. (MD) No.10556 of 2019
27.04.2019