



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 10747 of 2019

WEB COPY

K. Sangan

... Petitioner

Vs.

1. The District Collector,
Theni, Theni District.

2. The Tahsildar,
Periyakulam, Theni District.

3. The Superintendent of Police,
Theni, Theni District.

4. The Sub Inspector of Police,
Jeyamangalam Police Station,
Theni District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to provide police protection during the Pournami Visagam Festival scheduled on 17.05.2019, 18.05.2019, 19.05.2019 and 25.05.2019 in private family temple of petitioner A/m. Sangiah and Angala Eswari Temple, Azhagar Naickenpatti, Melmangalam Village, Periyakulam Taluk, Theni District.

For Petitioner : Mr. K. Appadurai

For Respondents : Mrs. S. Bharathi,
Government Advocate (Crl. Side).

ORDER

This writ petition has been filed, directing the respondents herein to provide police protection during the Pournami Visagam Festival scheduled on 17.05.2019, 18.05.2019, 19.05.2019 and 25.05.2019 in private family temple of petitioner A/m. Sangiah and Angala Eswari Temple, Azhagar Naickenpatti, Melmangalam Village, Periyakulam Taluk, Theni District.

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

<https://hcservices.equityservices.in/> 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 **Pournami Visagam Festival** scheduled on 17.05.2019, 18.05.2019, 19.05.2019 and 25.05.2019. In this regard, the petitioner gave a representation to the respondents on 12.04.2019. 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.Considering the facts and circumstances of the case, this Court grants permission to conduct **Pournami Visagam Festival** scheduled on 17.05.2019, 18.05.2019, 19.05.2019 and 25.05.2019 up to 11.00 p.m., and the Writ Petition is disposed of with the following directions:

The fourth respondent / Inspector of Police, Jayamangalam Police Station, Theni District, is directed to consider the representation of the petitioner, dated 12.04.2019 and to give permission and to provide police protection for "Pournami Visagam Festival" program in Arulmigu Sangiah and Angala Eswari Temple, Azhagar Naickenpatti, Melmangalam Village, Periyakulam Taluk, Theni District, scheduled to be held on 17.05.2019, 18.05.2019, 19.05.2019 and 25.05.2019, subject to the following conditions:-

(a) programme I.e., Pournami Visagam Festival, done in Arulmigu Sangiah and Angala Eswari Temple, Azhagar Naickenpatti, Melmangalam Village, Periyakulam Taluk, Theni District, scheduled to be held on 17.05.2019, 18.05.2019, 19.05.2019 and 25.05.2019, 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



(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 (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Theni, Theni District.

2. The Tahsildar,
Periyakulam, Theni District.

3. The Superintendent of Police,
Theni, Theni District.

4. The Sub Inspector of Police,
Jeyamangalam Police Station,
Theni District.

+1cc to Mr.K.Appadurai ,Advocate, SR.No.63905

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SP/03.05.2019/3P/6C

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