



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10859 of 2019

P.Sathiya Seelan

... Petitioner

Vs.

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

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

...

Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant permission and protection to conduct the cultural programme to be held on 22.05.2019 about 08.00 p.m., to 12.00 p.m., at the "Arulmigu Sree Sudalaimada Swamy Thirukovil Kodai Vizha", Chettikulam, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 23.04.2019.

For Petitioner : Mr.J.Chakkaravarthy

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 programme to be held on 22.05.2019 about 08.00 p.m., to 12.00 p.m., at the "Arulmigu Sree Sudalaimada Swamy Thirukovil Kodai Vizha", Chettikulam, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 23.04.2019.

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 conducted cultural programme on 22.05.2019. In this regard, the petitioner gave a representation to the respondents on 23.04.2019. 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. No permission shall be given for anything by name of Adal Padal. Accordingly, the function which does not fall under the category of Adal Padal has to be permitted by following the terms of conditions. Considering the facts and circumstances of the case, this Court grants permission to conduct cultural programme on 22.05.2019 between 06.00 p.m., and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Koodankulam Police Station,, Tirunelveli District, is directed to consider the representation of the petitioner, dated 23.04.2019 and to give permission and to provide police protection for cultural programme in Arulmigu Sree Sudalaimada Swamy Thirukovil Kodai Vizha", Chettikulam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 22.05.2019, subject to the following conditions:-

(a) "cultural programme done in Arulmigu Sree Sudalaimada Swamy Thirukovil Kodai Vizha", Chettikulam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 22.05.2019, 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) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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

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



(i) 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 Superintendent of Police,
Tirunelveli, Tirunelveli District.

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

+1cc to Mr.S.J.CHAKKARAVARTHY, Advocate, SR.No. 64311

Order made in
W.P.(MD)No.10859 of 2019

MYR

KK/SAR/03.05.2019/ 3P- 4C

—