



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10883 of 2019

Duraisamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruvarambur, Trichy District.

2.The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the second respondent to grant permission and protection for Gramiya Kalanigalchi and Innisai Katcheri scheduled to be held on 08.05.2019 and 09.05.2019 at night in connection with "41st Year Maha Urchavam Festival" in Arulmigu Sri Kaliyamman Temple at Sedimalai, Thuvakudi Malai, Trichy District, by considering the petitioner's representation dated 15.04.2019.

For Petitioner : Mr.V.Muthuvelan

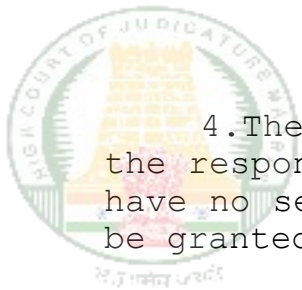
For Respondents : Mrs.S.Bharathi,
Government Advocate (Crl.Side).

ORDER

This writ petition has been filed to direct the second respondent to grant permission and protection for Gramiya Kalanigalchi and Innisai Katcheri scheduled to be held on 08.05.2019 and 09.05.2019 at night in connection with "41st Year Maha Urchavam Festival" in Arulmigu Sri Kaliyamman Temple at Sedimalai, Thuvakudi Malai, Trichy District, by considering the petitioner's representation dated 15.04.2019.

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 "**Gramiya Kalai Nigalchi and Innisai Katcheri**" on 08.05.2019 and 09.05.2019. In this regard, the petitioner gave a representation to the respondents on 15.04.2019. 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 "**Gramiya Kalai Nigalchi and Innisai Katcheri**" programme on 08.05.2019 and 09.05.2019 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, Thuvakudi Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 15.04.2019 and to give permission and to provide police protection for "**Gramiya Kalai Nigalchi and Innisai Katcheri**" in Arulmigu Sri Kaliyamman Temple at Sedimalai, Thuvakudi Malai, Trichy District, scheduled to be held on 08.05.2019 and 09.05.2019 subject to the following conditions:-*

(a) "Gramiya Kalai Nigalchi and Innisai Katcheri" done in Arulmigu Sri Kaliyamman Temple at Sedimalai, Thuvakudi Malai, Trichy District, scheduled to be held on 08.05.2019 and 09.05.2019 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.

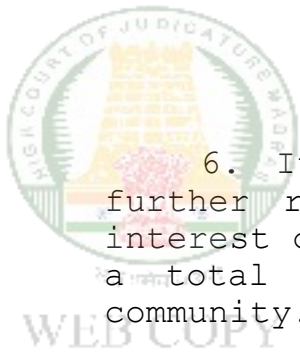
(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(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)

Myr

To

1. The Deputy Superintendent of Police,
Thiruvarambur, Trichy District.

2. The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

Order made in
W.P. (MD) No. 10883 of 2019

KG (CO)

TR (03.05.2019) 3P 3C