



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.10934 of 2019

S.Ayyadurai

... Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Kayatharu Police Station,
Tuticorin District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant permission to perform the program of "Grammiya Kalai Nigalchi" on 07.05.2019 night at about 07.00 p.m., to 11.00 p.m., in connection with temple festival at Arulmigu Sri Kalliamman Thirukkivil situated at North Ilanthaikulam, Tuticorin District and to provide adequate police protection based on the petitioner's representation dated 22.04.2019.

For Petitioner : Mr.M.Senthil Ayyanar

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

ORDER

This writ petition has been filed to direct the respondents to grant permission to perform the program of "Grammiya Kalai Nigalchi" on 07.05.2019 night at about 07.00 p.m., to 11.00 p.m., in connection with temple festival at Arulmigu Sri Kalliamman Thirukkivil situated at North Ilanthaikulam, Tuticorin District and to provide adequate police protection based on the petitioner's representation dated 22.04.2019.

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" on 07.05.2019. In this regard, the petitioner gave a representation to the respondents on



22.04.2019. 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" programme on 07.05.2019 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, Kayatharu Police Station, Tuticorin District, is directed to consider the representation of the petitioner, dated 22.04.2019 and to give permission and to provide police protection for "Gramiya Kalai Nigalchi" in Arulmigu Sri Kaliyamman Thirukkivil situated at North Ilanthaikulam, Tuticorin District, scheduled to be held on 07.05.2019, subject to the following conditions:-

(a) "Gramiya Kalai Nigalchi" done in Arulmigu Sri Kaliyamman Thirukkivil situated at North Ilanthaikulam, Tuticorin District, scheduled to be held on 07.05.2019, 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. In case the order copy is not received by the concerned respondents, the Government Advocate (Crl. side) is directed to communicate the operative portion of the order and conditions imposed in this order to them.

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. No costs.

Sd/-
Vacation officer

/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Tuticorin District.

2. The Inspector of Police,
Kayatharu Police Station,
Tuticorin District.

+1 CC to M/s. M. SENTHIL AYYANAR, Advocate (SR-63954[F] dated 29/04/2019)

**Order made in
W.P. (MD) No. 10934 of 2019**

CS: 17/05/2019/3P/4C