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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.10943 of 2019

R.Ganesan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kulithalai, Karur District.

2.The Deputy Superintendent of Police,
Kulithalai, Karur District.

3.The Inspector of Police,
Kulithalai, Karur District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to give necessary permission and protection to the temple festival namely, Sri Pattathalachiamman - Sri Periyasamy Temple situated at Athisivayam Village, Masi Periyanan Temple at Valaiayapatti Village and Ari Raguraman Kuttipattan Temple situated at Ayyarmalai Village, Kulithalai Taluk, Karur District which is scheduled to be held on 22.05.2019 to 28.05.2019 by considering the representation of the petitioner dated 26.04.2019.

For Petitioner : Mr.V.Thirumal

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl.Side)

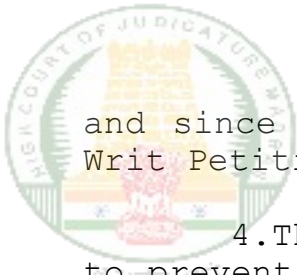
ORDER

This writ petition has been filed to direct the respondents to give necessary permission and protection to the temple festival namely, Sri Pattathalachiamman - Sri Periyasamy Temple situated at Athisivayam Village, Masi Periyanan Temple at Valaiayapatti Village and Ari Raguraman Kuttipattan Temple situated at Ayyarmalai Village, Kulithalai Taluk, Karur District which is scheduled to be held on 22.05.2019 to 28.05.2019 by considering the representation of the petitioner dated 26.04.2019.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petitioner has made a representation dated 26.04.2019 to the respondents, seeking permission to conduct temple festival



and since no order has been passed, the petitioner has filed this Writ Petition.

4.The learned Government Advocate (Crl.Side) submitted that to prevent the law and order situation, all 87 villages people have to give an undertaking to abide the conditions imposed by the respondent police.

5.Considering the facts and circumstances of the case, this Court directs the third respondent / The Inspector of Police, Kulithalai Police Station, Karur District, to consider the representation of the petitioner, dated 26.04.2019 and after obtaining necessary undertaking from them to give permission to conduct temple festival namely, Sri Pattathalachiamman - Sri Periyasamy Temple situated at Athisivayam Village, Masi Periyanan Temple at Valaiayapatti Village and Ari Raguraman Kuttipattan Temple situated at Ayyarmalai Village, Kulithalai Taluk, Karur District, subject to the following conditions:-

(a) Temple Festival namely, Sri Pattathalachiamman - Sri Periyasamy Temple situated at Athisivayam Village, Masi Periyanan Temple at Valaiayapatti Village and Ari Raguraman Kuttipattan Temple situated at Ayyarmalai Village, Kulithalai Taluk, Karur District scheduled to be held from 22.05.2019 to 28.05.2019 should be completed before 11.00 p.m.

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

(c) 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.

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

(e) No symbols of any of the political parties or any of the candidates who are contesting in the general election shall be on display.

(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 function 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 third 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.

7.The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of the temple festival and no law and order problem will arise.

8.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.

9.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Revenue Divisional Officer,
Kulithalai, Karur District.

2.The Deputy Superintendent of Police,
Kulithalai, Karur District.

3.The Inspector of Police,
Kulithalai, Karur District.

+1cc to Mr.V.Thirumal, Advocate, SR.No.63896

W.P.(MD)No.10943 of 2019
29.04.2019

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KK/SAR/17.05.2019/ 3P- 5C

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