



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.11350 of 2019

Ganesh Naicker

... Petitioner

Vs.

1.The Assistant Election Officer / Tahsildar,
O/o. Assistant Election Office / Tahsildar Office,
Rajapalayam, Virudhunagar District.

2.The Deputy Superintendent of Police,
Rajapalayam Division,
Virudhunagar District.

3.The Inspector of Police,
Sethur Police Station,
Virudhunagar District.

4.R.Gandhi

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the third respondent to give permission to conduct the Palkudam Procession in the yearly festival of Arulmigu Sree Kaamakkammal Thirukovil of Sethur - Mettupatti Village on 01.05.2019.

For Petitioner : Mr.A.Balaji
For R1 to R3 : Mrs.S.Bharathi,
Government Advocate (Crl.Side).

ORDER

This writ petition has been filed to direct the third respondent to give permission to conduct the Palkudam Procession in the yearly festival of Arulmigu Sree Kaamakkammal Thirukovil of Sethur - Mettupatti Village on 01.05.2019.

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 "Palkudam Procession" on 01.05.2019. 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. Considering the facts and circumstances of the case, this Court grants permission to conduct "Palkudam Procession" programme on 01.05.2019 between 06.00 p.m., and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The third respondent / Inspector of Police, Sethur Police Station, Virudhunagar District, is directed to consider the representation of the petitioner, dated 22.04.2019 and to give permission and to provide police protection for "Palkudam Procession", of "Chithirai Festival" in Arulmigu Sree Kaamakkammal Thirukovil of Sethur - Mettupatti Village scheduled to be held on 01.05.2019, subject to the following conditions:-

(a) "Palkudam Procession" done in Arulmigu Sree Kaamakkammal Thirukovil of Sethur - Mettupatti Village, scheduled to be held on 01.05.2019, should be completed between 06.00 p.m., to 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 (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

- 1.The Assistant Election Officer / Tahsildar,
O/o. Assistant Election Office / Tahsildar Office,
Rajapalayam, Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Rajapalayam Division,
Virudhunagar District.
- 3.The Inspector of Police,
Sethur Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai bench of madras High Court,
Madurai.

+1CC TO MR.A.BALAJI, Advocate Sr. No. 64168

Order made in
W.P. (MD) No.11350 of 2019

SP (30.04.2019) 3P 6C