



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.11424 of 2019

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... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur 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 for cultural event, namely Kalainigalchi scheduled to be held on 06.05.2019 at night 09.00 p.m., to 01.00 a.m., in connection with "Alaya Thimithi Thiruvizha" in Arulmigu Sri Santhana Mariamman Temple at Sivapuram Village, Kumbakonam Taluk, Thanjavur District based on the petitioner's representation dated 07.04.2019.

For Petitioner : Mr.S.Balasubramanian

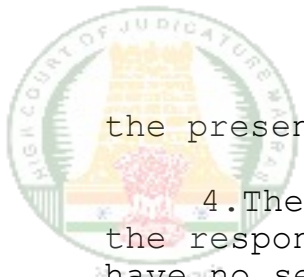
For Respondents : Mrs.S.Bharathi,
Government Advocate (Crl.Side).

ORDER

This writ petition has been filed to direct the respondents to grant permission and protection for cultural event, namely Kalainigalchi scheduled to be held on 06.05.2019 at night 09.00 p.m., to 01.00 a.m., in connection with "Alaya Thimithi Thiruvizha" in Arulmigu Sri Santhana Mariamman Temple at Sivapuram Village, Kumbakonam Taluk, Thanjavur District based on the petitioner's representation dated 07.04.2019.

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 cultural event, namely Kalainigalchi on 06.05.2019. In this regard, the petitioner gave a representation to the respondents on 07.04.2019. 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 "Alaya Thimithi Thiruvizha" programme on 06.05.2019 between 06.00 p.m., and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Sub Inspector of Police, Natchiyarkovil Police Station, Thanjavur District, is directed to consider the representation of the petitioner, dated 07.04.2019 and to give permission and to provide police protection for "Alaya Thimithi Thiruvizha" in Arulmigu Sri Santhana Mariamman Temple at Sivapuram Village, Kumbakonam Taluk, Thanjavur District scheduled to be held on 06.05.2019, subject to the following conditions:-

(a) "Alaya Thimithi Thiruvizha" done in Arulmigu Sri Santhana Mariamman Temple at Sivapuram Village, Kumbakonam Taluk, Thanjavur District, scheduled to be held on 06.05.2019, 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.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

2.The Sub Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur District.

+1CC TO MR.S.BALASUBRAMANIAN, Advocate Sr. No. 64855

Order made in
W.P.(MD)No.11424 of 2019

PM(CO)

TR (03.05.2019) 3P 4C