



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11684 of 2019

S.michael Mahizhan

... Petitioner

Vs.

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

2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the 2nd respondent to forthwith grant permission and police protection for the "Cultural Program" scheduled to be held on 16.05.2019, 17.05.2019, 20.05.2019, 22.05.2019, 23.05.2019 and 25.05.2019 and for "Innisai Katcheri" scheduled to be held on 15.05.2019, 19.05.2019, 21.05.2019 and 24.05.2019 at night, in connection with "Church Festival" of the Thuya Upakara Matha Church, at Kavalkinaru, Radhapuram Taluk, Tirunelveli District in the light of representation of petitioner dated 30.04.2019.

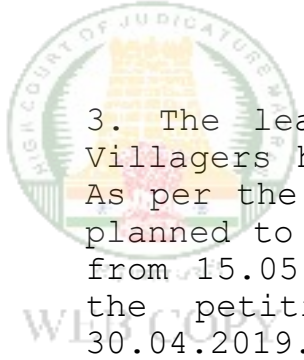
For Petitioner : Mr.A.Ajith Geethan

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

ORDER

This writ petition has been filed to direct the respondents to grant permission to conduct the cultural programme and Innisai Katcheri to be held from 15.05.2019 to 25.05.2019 (except 18.05.2019) in the event of Festival of "Church Festival" at Thuya Upakara Matha Church, at Kavalkinaru, Radhapuram Taluk, Tirunelveli District, without causing any disturbance to public order.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



3. The learned counsel for the petitioner would submit that the Villagers have conducted the Church festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct cultural programme and Innisai Katcheri programme from 15.05.2019 to 25.05.2019 (except 18.05.2019). In this regard, the petitioner gave a representation to the respondents on 30.04.2019. 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. She 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 cultural programme and Innisai Katcheri programme from 15.05.2019 to 25.05.2019 (except 18.05.2019), and the Writ Petition is disposed of with the following directions:

The second respondent / The Inspector of Police, Panagudi Police Station, Panagudi, Tirunelveli District. is directed to consider the representation of the petitioner, dated 30.04.2019 and to give permission and to provide police protection for conducting cultural programme and Innisai Katcheri programme, in the festival of "Church Festival" at Thuya Upakara Matha Church, at Kavalkinaru, Radhapuram Taluk, Tirunelveli District, scheduled to be held from 16.05.2019 to 25.05.2019, subject to the following conditions:-

(a) Adal Padal done in "Church Festival" at Thuya Upakara Matha Church, at Kavalkinaru, Radhapuram Taluk, Tirunelveli District, scheduled to be held from 15.05.2019 to 25.05.2019 (except 18.05.2019), should be completed before 11.00 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) No price shall be given in the name of any political party or in the name of any Member associated with any political party.



g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

h) 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

i) Similarly, the police is directed to stop the dance programme, if it is conducted beyond the permitted time limit.

j) 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(V.O)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.AJITH GEETHAN, Advocate (SR-65503[F] dated
09/05/2019)

Order made in
W.P. (MD) No.11684 of 2019