



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.11696 of 2019

K.Berkmans

... Petitioner

/Vs./

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

2.The Inspector of Police,
Thiruvegamputhur Police Station,
Sivagangai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the second respondent herein to give permission with protection to conduct the cultural function Aadal - Paadal at Saveriarpattanam, St.Saveriyar Church public stage connection with the 10th year Annual Festival of St.Saveriyar church, Saveriarpattanam, Devakottai, Sivagangai District, following the car procession from 10.00 p.m., onwards on 11.05.2019 based on the petitioners representation dated 25.04.2019.

For Petitioner : Mr.S.Muthalraj

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

ORDER

This writ petition has been filed to direct the second respondent herein to give permission with protection to conduct the cultural function Aadal - Paadal at Saveriarpattanam, St.Saveriyar Church public stage connection with the 10th year Annual Festival of St.Saveriyar church, Saveriarpattanam, Devakottai, Sivagangai District, following the car procession from 10.00 p.m., onwards on 11.05.2019 based on the petitioners representation dated 25.04.2019.

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 the cultural programme i.e. Aadal Padal on 11.05.2019, in the eve of Saveriyarpattanam, St.Saveriyar Church public stage connection with the 10th year Annual Festival of St.Saveriyar church, Saveriyarpattanam, Devakottai, Sivagangai District. In this regard, the petitioner gave representations to the respondents on 25.04.2019 and 02.05.2019. 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 the **cultural programme i.e. Aadal Padal** relating to Saveriyarpattanam, St.Saveriyar Church public stage connection with the 10th year Annual Festival of St.Saveriyar church, Saveriyarpattanam, Devakottai, Sivagangai District, on 11.05.2019 and the Writ Petition is disposed of with the following directions:

*The second respondent / Inspector of Police, Thiruvegamputhur Police Station, Sivagangai District, is directed to consider the representations of the petitioner dated 25.04.2019 and 02.05.2019 and to give permission and to provide police protection for **cultural programme i.e. Aadal Padal** relating to Saveriyarpattanam, St.Saveriyar Church public stage connection with the 10th year Annual Festival of St.Saveriyar church, Saveriyarpattanam, Devakottai, Sivagangai District, on 11.05.2019, subject to the following conditions:-*

(a) programme i.e., **i.e. Aadal Padal** relating to Saveriyarpattanam, St.Saveriyar Church public stage connection with the 10th year Annual Festival of St.Saveriyar church, Saveriyarpattanam, Devakottai, Sivagangai District, on **11.05.2019**, 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 donation shall be received from 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 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 (VO)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2. The Inspector of Police,
Thiruvegamputhur Police Station,
Sivagangai District.



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

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-65373[F] dated
09/05/2019)

MRN

Order made in
W.P.(MD)No.11696 of 2019
08.05.2019

KM/(10.05.2019) 4P 5C