



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.11796 of 2019

P.Ramanathan

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sankarankovil
Tirunelveli District.

3.The Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission to conduct the Arulmigu Throwpathi Amman Temple Festival as per customary practice beyond 12 AM by using loudspeakers as stated in the petitioner's representation dated 03.05.2019.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

M.DHANDAPANI, J.

The prayer in the writ petition is to direct the respondents to conduct the Arulmigu Throwpathi Amman Temple Festival as per customary practice beyond 12 AM by using loudspeakers as stated in the petitioner's representation dated 03.05.2019.

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



3. The learned counsel for the petitioner would submit that the temple festival is being conducted by the villagers every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct the Throwpathi Amman Temple festival from 05.06.2019 to 16.06.2019 beyond 12 AM. In this regard, a representation has also been submitted to the respondents on 03.05.2019. Since the said representation has not been considered so far, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the respondents have no serious objections. 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 the Throwpathi Amman Temple Festival between 09.00 p.m. and 12.00 a.m., (mid night) with the following directions:

The third respondent / Inspector of Police, Sankarankovil Town Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 03.05.2019 and to give permission and provide police protection for "Throwpathi Amman Temple Festival, which is to be held from 05.06.2019 to 16.06.2019, subject to the following conditions:-

(a) The debate and other cultural programmes at "Throwpathi Amman temple, Sankarankovil, Tirunelveli District, scheduled to be held between 05.06.2019 (evening) and 16.06.2019 should be completed before 12.00 a.m., (mid night);

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

(c) No price shall be given in the name of any political party or in the name of any Member associated with any political party.

(d) No speeches supporting or opposing any political party shall be made.

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

(f) 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

(g) Similarly, the police is directed to stop the cultural programme, if it is conducted beyond the permitted time limit.

(h) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.



(i) It is made clear that the use of Loudspeakers shall be within the permissible decibel.

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. No costs.

Sd/-

Vacation officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

RR

To

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Deputy Superintendent of Police,
Sankarankovil
Tirunelveli District.
3. The Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.J.KARTHICK, Advocate Sr. No. 65304

Order made in

W.P. [MD] No. 11796 of 2019

Dated: 08.05.2019

NSN (CO)

TR (09.05.2019) 5P 6C