



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. 11830 of 2019**

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... Petitioner

Vs.

1.The Superintendant of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Anjugramam Police Station,
Kanyakumari 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 for celebration of Vaikasi Festival of Sridevi Mutharamman Temple, Pottalkulam Village, Kanyakumari District with cultural and musical programmes from 19.5.2019 to 28.05.2019 upto 11.30 p.m.

For Petitioner : Mr.R.J. Karthick

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 to conduct the "Adal Padal" Programme from 19.5.2019 to 28.05.2019 upto 11.30 p.m in connection with Vaikasi Festival of "Sridevi Mutharamman Temple, Pottalkulam Village, Kanyakumari District".

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 Aadal Padal programme from 19.5.2019 to 28.05.2019. In this regard, the petitioner gave a representation to the respondents on 06.05.2019. 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.

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5. Considering the facts and circumstances of the case, this Court grants permission to conduct Aadal Padal programme from 19.5.2019 to 28.05.2019 at 06.00 p.m and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Anjugramam Police Station, Kanyakumari District, is directed to consider the representation of the petitioner, dated 06.05.2019 and to give permission and to provide police protection for Aadal Padal programme, in the festival of Sridevi Mutharamman Temple, Pottalkulam Village, Kanyakumari District scheduled to be held from 19.05.2019 to 28.05.2019, subject to the following conditions:-

(a) Aadal Padal done in "Sridevi Mutharamman Temple, Pottalkulam Village, Kanyakumari District" scheduled to be held from 19.5.2019 to 28.05.2019, 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



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/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-65499[F] dated 09/05/2019)

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ES/13.05.2019/3P/4C