



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11867 of 2019

C.Subramani

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Superintendent of Police,
Sivagangai District.

4.The Inspector of Police,
Natchiyarpuram Police Station,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to give police permission and protection for participating in the festival at god Sri.Kunnu Ayyanar & Sri Kunnu Kaliyamman Temple on 13.05.2019 at Thenkarai Village, Thiruppathur Taluk, Sivagangai District based on the petitioner's representation dated 29.04.2019.

For Petitioner : Mr.N.Saravanan

For Respondents : Mr.Suyambu Linga Bharathi
Government Advocate (Crl.side)

ORDER

This writ petition has been filed to give police permission and protection for participating in the festival at god Sri.Kunnu Ayyanar & Sri Kunnu Kaliyamman Temple on 13.05.2019 at Thenkarai Village, Thiruppathur Taluk, Sivagangai District based on the petitioner's representation dated 29.04.2019.

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 every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct Temple Festival on 13.05.2019. In this regard, the petitioner gave a representation to the respondents on 29.04.2019. 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 Temple Festival on 13.05.2019, and the Writ Petition is disposed of with the following directions:

The fourth respondent / Inspector of Police, Natchiyarpuram Police Station, Thiruppathur Taluk, Sivagangai District, is directed to consider the representation of the petitioner, dated 29.04.2019 and to give permission and to provide police protection for Temple Festival at Sri.Kunnu Ayyanar & Sri Kunnu Kaliyamman Temple, Thenkarai Village, Thiruppathur Taluk, Sivagangai District, scheduled to be held on 13.05.2019, subject to the following conditions:-

(a) Temple Festival done in Sri.Kunnu Ayyanar & Sri Kunnu Kaliyamman Temple, Thenkarai Village, Thiruppathur Taluk, Sivagangai District, scheduled to be held on 13.05.2019, 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 fourth 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)

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To

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Superintendent of Police,
Sivagangai District.

4.The Inspector of Police,
Natchiyarpuram Police Station,
Thiruppathur Taluk,
Sivagangai District.

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

+1CC TO MR.N.SARAVANAN, Advocate Sr. No. 65478

Order made in

W.P. (MD) No.11867 of 2019

DB (CO)

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