



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P. (MD) No. 11889 of 2019

WEB COPY

Sundaresan

... Petitioner

Vs.

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

2.The Inspector of Police,
Pettavathalai Police Station,
Trichy 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 "Nadana Nattiyam Nigazhchi" on 14.05.2019 at about 07.00 p.m to 10.00 p.m., in the eve of "Paul Kudam" festival of the "Sri Maha Mariamman Kovil" situated in Palaiyurmedu West, Pettavathalai, Sri Rangam Taluk, Trichy District in pursuant to petitioner's representation, dated 08.05.2019.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr. S.Chandrasekara
Additional Public Prosecutor

ORDER

This writ petition has been filed to direct the respondents to grant permission to conduct "Nadana Nattiyam Nigazhchi" on 14.05.2019 at about 07.00 p.m to 10.00 p.m., in the eve of "Paul Kudam" festival of the "Sri Maha Mariamman Kovil" situated in Palaiyurmedu West, Pettavathalai, Sri Rangam Taluk, Trichy District in pursuant to petitioner's representation, dated 08.05.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor 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 "Nadana Nattiyam Nigazhchi" on 14.05.2019 at 07.00 p.m to 10.00 p.m. In this regard, the petitioner gave a representation to the respondents on 08.05.2019. Since no action has been taken, the present writ petition has been filed.



4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the respondents have no serious objection. 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 "Nadana Nattiyam Nigazhchi" on 14.05.2019 at 07.00 p.m to 11.00 p.m. and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Pettavathalai Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 08.05.2019 and to give permission and to provide police protection for Nadana Nattiyam Nigazhchi, in the festival of "Sri Maha Mariamman Kovil" at Palaiyurmedu West, Pettavathalai, Sri Rangam Taluk, Trichy District scheduled to be held on 14.05.2019, subject to the following conditions:-

(a) Nadana Nattiyam Nigazhchi done in "Sri Maha Mariamman Kovil" at Palaiyurmedu West, Pettavathalai, Sri Rangam Taluk, Trichy District scheduled to be held on 14.05.2019, 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/-

Assistant Registrar/
Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-IV)

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To

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

2. The Inspector of Police,
Pettavathalai Police Station,
Trichy District.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-65687[F] dated 10/05/2019)

Order made in
W.P. (MD) No. 11889 of 2019

ES/13.05.2019/3P/5C