



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD) No.12960 of 2019

and

W.M.P. (MD) No.9654 of 2019

I.Stephan Selvaraj

: Petitioner

-Versus-

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

2.The Sub Inspector of Police,
Aykudi Police Station,
Tirunelveli District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent dated 27.05.2019 and to quash the portion of the impugned order in Condition Nos.4,6 and 7 and consequently, directing the second respondent to give permission to perform Senda Melam in front of the car festival moving through village and to grant permission to conduct musical programme at about 09.00 p.m., to 12.00 a.m., scheduled to be held on 13.06.2019 in connection with Punitha Anthonyiar Church Alaya Festival at Agarakattu Village, Aykudi, Kadayanallur Taluk, Tirunelveli District.

For Petitioner : Mr.V.Thirumal

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)

O R D E R

This Writ Petition has been filed seeking to set aside the Condition Nos.4,6 and 7 imposed by the second respondent for conducting the Car Festival in Punitha Anthonyiar Church Alaya Festival at Agarakattu Village, Aykudi, Kadayanallur Taluk, Tirunelveli District.



2. Heard both sides.

3. The grievance of the petitioner is that every year, the petitioner and his village people are celebrating the Punitha Anthonyiar Church Alaya Festival in a grand manner. During the festival, as per the custom, they are performing car festival moving through the village and at that time, they are using the "Senda Melam" in front of the car festival throughout the village and also conducting the musical programme. In this year also, they have decided to conduct the festival in a grand manner, for which, they have approached the second respondent on 27.05.2019 seeking permission to perform Senda Melam in front of the car festival scheduled to be held on 13.06.2019 and to give permission to conduct musical programme. However, the second respondent, by impugned order dated 27.05.2019, has given permission to conduct the festival, however, imposed certain unreasonable conditions that the petitioner and his village people should not use "Senda Melam" and drum set at the time of festival and also restricted the time for conducting the musical programme. Alleging that those conditions are arbitrary, the petitioner has filed the present Writ Petition.

4. The learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that there are two community people residing in the same place and using the Senda Melam and other musical instruments during the car procession will lead to law and order problem in that locality. He also submitted that already two First Information Reports are pending between the parties and if any permission is granted for Senda Melam, that would lead to further problem. Hence, the impugned order is just and reasonable and the same need not warrant any interference.

5. I have considered the rival submissions.

6. Considering the facts and circumstances of the case and also considering the fact that there is a likelihood of law and order problem, as contended by the learned Government Advocate (Criminal side), this Court is not inclined to interfere with the conditions imposed by the second respondent.

7. At this juncture, it is submitted by the learned counsel appearing for the petitioner that it is the customary practice for the petitioner and his village people to perform the Senda Melam during the Car Festival.

8. In view of the aforesaid submission, the condition No.4 is modified to the effect that the petitioner and his village people are permitted to perform the Senda Melam only inside the Church compound and they should not perform the Senda Melam outside the Church premises. In respect of other two conditions which the petitioner wants to set aside, I find that they are very just and reasonable and it is not necessary to interfere with those conditions.



9. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS-)

To

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

2.The Sub Inspector of Police,
Aykudi Police Station,
Tirunelveli District.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-67649[F] dated 10/06/2019)

Order made in
W.P. (MD) No.12960 of 2019
Dated: **10.06.2019**

ES/10.06.2019/3P/4C