



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No. 4786 of 2019

Perumal

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkotttai District,
Pudukkottai.

2.The Inspector of Police,
Gantharvakottai Police Station,
Pudukkottai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to give police permission and adequate police protection to the cultural program festival including Mayilattam and Oyilattam scheduled on 05.03.2019 at Sri Nalla Perama Ayyanar Kovil, Chokkampettai, Sangamviduthi, Gantharvakottai Taluk, Pudukkottai District by considering the petitioner's representation dated 26.02.2019.

For Petitioner : Mr.K.N.Govardhanan

For Respondents : Mrs.S.Bharathi
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed to direct the respondents to give police permission and adequate police protection to the cultural program festival including Mayilattam and Oyilattam scheduled on 05.03.2019 at Sri Nalla Perama Ayyanar Kovil, Chokkampettai, Sangamviduthi, Gantharvakottai Taluk, Pudukkottai District by considering the petitioner's representation dated 26.02.2019.

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 cultural programme for the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct cultural programme on 05.03.2019. In this regard, the petitioner gave a representation to the respondents on 26.02.2019. 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. 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 cultural program festival including Mayilattam and Oyilattam on 05.03.2019 between 06.00 p.m., and 11.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Gantharvakottai Police Station, Pudukkottai District, is directed to consider the representation of the petitioner, dated 26.02.2019 and to give permission and to provide police protection for cultural program festival including Mayilattam and Oyilattam in Sri Nalla Perama Ayyanar Kovil, Chokkampettai, Sangamviduthi, Gantharvakottai Taluk, Pudukkottai District, scheduled to be held on 05.03.2019, subject to the following conditions:-

(a) cultural program festival including Mayilattam and Oyilattam done in Sri Nalla Perama Ayyanar Kovil, Chokkampettai, Sangamviduthi, Gantharvakottai Taluk, Pudukkottai District, scheduled to be held on 05.03.2019, 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) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.



(g) 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

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

(i) 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 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.

7. As there is a likelihood of paucity of time for issuing a certified copy of this order, the learned Government Advocate (Crl.Side) is required to communicate the operative portion of this order to the second respondent and the second respondent is directed to consider the same and pass such necessary orders. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Pudukkotttai District,
Pudukkottai.

2.The Inspector of Police,
Gantharvakottai Police Station,
Pudukkottai District.

+1 CC to M/s.K.N.GOVARDHANAN, Advocate in SR-50979

W.P. (MD) No.4786 of 2019

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