



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No. 5295 of 2019

K. Mani

... Petitioner

/Vs./

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

2. The Inspector of Police,
Taluk Police Station, Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 27.02.2019 and further to grant permission to conduct traditional cultural event from 12.03.2019 to 20.03.2019, daily at 08.00 p.m. to 11.30 p.m. in the Arulmigu Angala Eswari Muneeswarar Temple which is situated in Anna Nagar, Vilar Salai, Thanjavur.

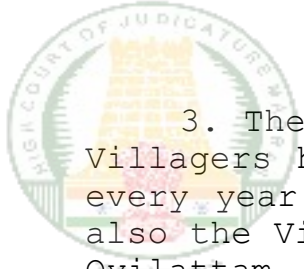
For Petitioner : Mr.V. Rajiv Rufus

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

ORDER

This petition has been filed to direct the second respondent to consider the petitioner's representation, dated 27.02.2019 and further to grant permission to conduct from 12.03.2019 to 20.03.2019, daily at 08.00 p.m. to 11.30 p.m. in the Arulmigu Angala Eswari Muneeswarar Temple which is situated in Anna Nagar, Vilar Salai, Thanjavur.

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 Mayilattam, Kollattam and Oyilattam on 12.03.2019. In this regard, the petitioner gave a representation to the respondents on 27.02.2019. Since no action has been taken, the present writ petition has been filed.

4. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that, while there is no major objection by granting permission, the second respondent also requires the details of the programme and the timing etc., and it is made clear, on the other hand, that any religious event associated with the temple festival in a cultural festival, otherwise should not go beyond 10.00 p.m.

5. Considering the facts and circumstances of the case, this Court grants permission to conduct the Mayilattam, Kollattam and Oyilattam on 12.03.2019 at 08.00 p.m. and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Taluk Police Station, Thanjavur, Thanjavur District, is directed to consider the representation of the petitioner, dated 27.02.2019 and to give permission and to provide police protection for Mayilattam, Kollattam and Oyilattam on 12.03.2019 in the Arulmigu Angala Eswari Muneeswarar Temple which is situated in Anna Nagar, Vilar Salai, Thanjavur, scheduled to be held on 12.03.2019, subject to the following conditions:-

(a) Mayilattam, Kollattam and Oyilattam done in the Arulmigu Angala Eswari Muneeswarar Temple which is situated in Anna Nagar, Vilar Salai, Thanjavur, scheduled to be held on 12.03.2019, should be completed before 10.00 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 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.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/ True Copy /

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Thanjavur District, Thanjavur.
2. The Inspector of Police,
Taluk Police Station, Thanjavur,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.RAJIV RUFUS, Advocate
(SR-52218[F] dated 07/03/2019)

Order made in
W.P. (MD) No. 5295 of 2019
06.03.2019

KSA

ES/12.03.2019/3P/5C