



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2019

CORAM :

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.5390 of 2019

A.Murugavel

... Petitioner

Vs

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

2.The Inspector of Police,
Kallakudi Police Station,
Trichy 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 permit the petitioner to conduct light music program during Masi Festival in Om Shiva - Sri Angala Parameshwari Periyandavar Pechiamman Temple, Malvoy Village, Lalgudi Taluk, Trichy District, on 12.03.2019 at about 6.00 P.M to 12.00 P.M. and provide adequate police protection.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Ms.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the respondents to grant permission and necessary protection to conduct light music program during Masi Festival in Om Shiva - Sri Angala Parameshwari Periyandavar Pechiamman Temple, Malvoy Village, Lalgudi Taluk, Trichy District, on 12.03.2019 at about 6.00 P.M to 12.00 P.M. and provide adequate police protection.

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 Light Music program for the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct light music program during Masi Festival in Om Shiva - Sri Angala Parameshwari Periyandavar Pechiamman Temple, Malvoy Village, Lalgudi Taluk,



Trichy District, on 12.03.2019 at about 6.00 P.M to 12.00 P.M.. In this regard, the petitioner gave a representation to the respondents on 04.03.2019. 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 the light music program during Masi Festival in Om Shiva - Sri Angala Parameshwari Periyandavar Pechiamman Temple, Malvoy Village, Lalgudi Taluk, Trichy District, on 12.03.2019, which should not extend beyond 11.00 p.m., on the said date and the Writ Petition is disposed of with the following directions:

*The second respondent / The Inspector or Police, Kallakudi Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 04.03.2019 and to give permission and to provide police protection for to conduct light music program during Masi Festival in Om Shiva - Sri Angala Parameshwari Periyandavar Pechiamman Temple, Malvoy Village, Lalgudi Taluk, Trichy District, on **12.03.2019** subject to the following conditions:-*

(a) Light Music Program during Masi Festival done in Om Shiva - Sri Angala Parameshwari Periyandavar Pechiamman Temple, Malvoy Village, Lalgudi Taluk, Trichy District on **12.03.2019 should be completed before 11.00 p.m.**

(b) The participants of the programme must be properly dressed.

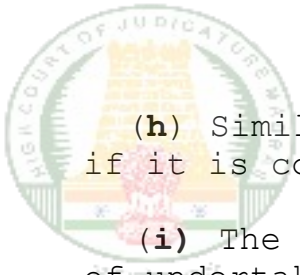
(c) Double meaning songs should not be played as they will spoil the minds of students and youths.

(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.

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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. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr.T.Lenin Kumar, Advocate, SR.No.52382

W.P. (MD) No.5390 of 2019

07.03.2019

SP/08.03.2019/ 3P/4C