



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.6108 of 2019

K.Jegadeesan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

2.The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to accord police protection to the petitioner Sangam (Sri Pooludaiyar Sastha Pakthargal Sangam) on the basis of their representation dated 10.03.2019 for conducting the Panguni Uthira Thiruvizha, scheduled to be held on 21.03.2019, in Sri Pooludaiyar Sastha Temple, Kadambakulam, Theni-Thirupperai (Post), Thiruchendur Taluk, Tuticorin District, in a peaceful manner and to prevent any law and order problem.

For Petitioner : Mr.K.Muthumalai

For Respondents : Mrs.S.Bharathi

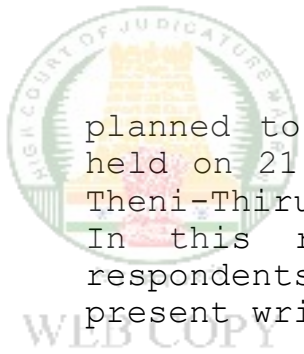
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to accord police protection to the petitioner's Sangam (Sri Pooludaiyar Sastha Pakthargal Sangam) on the basis of their representation dated 10.03.2019, for conducting the Panguni Uthira Thiruvizha, scheduled to be held on 21.03.2019 in Sri Pooludaiyar Sastha Temple, Kadambakulam, Theni-Thirupperai (Post), Thiruchendur Taluk, Tuticorin District, in a peaceful manner and to prevent any law and order problem.

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 the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have



planned to conduct the Panguni Uthira Thiruvizha, scheduled to be held on 21.03.2019 in Sri Pooludaiyar Sastha Temple, Kadambakulam, Theni-Thirupperai (Post), Thiruchendur Taluk, Tuticorin District. In this regard, the petitioner gave a representation to the respondents on 10.03.2019. 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 Panguni Uthira Thiruvizha, scheduled to be held on 21.03.2019, in Sri Pooludaiyar Sastha Temple, Kadambakulam, Theni-Thirupperai (Post), Thiruchendur Taluk, Tuticorin District and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Kurumbur Police Station, Tuticorin District, is directed to consider the representation of the petitioner, dated 10.03.2019 and to give permission and to provide police protection for the Panguni Uthira Thiruvizha, scheduled to be held on 21.03.2019 in Sri Pooludaiyar Sastha Temple, Kadambakulam, Theni-Thirupperai (Post), Thiruchendur Taluk, Tuticorin District, subject to the following conditions:-

(a) programme I.e., Panguni Uthira Thiruvizha, done in Sri Pooludaiyar Sastha Temple, Kadambakulam, Theni-Thirupperai (Post), Thiruchendur Taluk, Tuticorin District, scheduled to be held on 21.03.2019, 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) No donation shall be received from any political party or in the name of any Member associated with any political party.



(g) No price shall be given in the name of any political party or in the name of any Member associated with any political party.

(h) No speeches supporting or opposing any political party shall be made. No symbol of any political party or picture of any person affiliated in the political party shall be used.

(i) The function will be conducted in the spirit of function and there will not be a bogey for political parties for the general election, 2019.

(j) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(k) 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

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

(m) 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 (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

2.The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

+1cc to Mr.K.Muthumalai, Advocate, SR.No.54440

W.P. (MD) No. 6108 of 2019

15.03.2019

KK/SAR-/19.03.2019/3P-4C