



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.[MD]No.6322 of 2019

Santhanamatharajan

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sankarankovil,
Tirunelveli District.

3.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

: Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct respondents to grant permission to conduct the cultural programme and musical programme on 20.03.2019 and 21.03.2019 upto 1 am with the assistant of loud speaker the Arulmigu Maruthudaiyar Sastha Pooranaporkodi Sri Raakkachi Amman and Sri Servarayan Swamy Temple Kodai Festival.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mrs.S.Bharathi

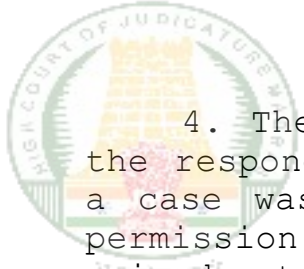
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to grant permission to conduct cultural programme and musical programme on 20.03.2019 and 21.03.2019 upto 1 am with the assistant of loud speaker the Arulmigu Maruthudaiyar Sastha Pooranaporkodi Sri Raakkachi Amman and Sri Servarayan Swamy Temple Kodai Festival.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate 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 **Karagattam and Innisai Kacheri** to be held on 20.03.2019 and 21.03.2019. In this regard, the petitioner gave a representation to the respondents on 28.02.2019. 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 in last year, a case was registered at the time of conducting Karagattam and permission was granted till 10.00 p.m only and therefore, she has raised strong objection for granting permission. The learned Government Advocate(Crl.side) has produced a copy of the judgment reported in **(2000)7 Supreme Court Cases 282 (In Church of God (Full Gospel) Vs. K.K.R. Majestic Colongy Welfare Association and Others.**

5. However, the learned Government Advocate (Crl.side) would submit that in case of granting permission to conduct the religious functions, the same may be restricted only till 10.00 p.m and other religious practices may be conducted without loud speakers. The learned Government Advocate appearing for the respondents, on instructions, would further submit that permission may be granted subject to stringent conditions.

6. In view of the above, the petitioner is directed to give the names of those, who are going to perform Karagattam and Innisai Kacheri well in advance to the third respondent.

7. On receiving the said particulars, the third respondent police is directed to verify as to whether the said troupe is actually performing traditional programmes including **Karagattam and Innisai Kacheri** and if the third respondent is satisfied, then the third respondent is required to grant permission as per the terms and conditions.

8. With regard to **Karagattam and Innisai Kacheri** by disciplined Artists with full cover dress code, the respondent police shall consider granting permission on the day stipulated therein with some directions.

9. Considering the facts and circumstances of the case, this Court grants permission to conduct **Karagattam and Innisai Kacheri** by disciplined Young artists with full cover dress code on 20.03.2019 and 21.03.2019 and the Writ Petition is disposed of with the following directions:

*The third respondent / Inspector of Police, Sankarankovil Taluk Police Station, Tirunelveli District. is directed to consider the representation of the petitioner, dated 28.02.2019 and to give permission and to provide police protection for conducting **Karagattam and Innisai Kacheri** scheduled to be held on 20.03.2019 and 21.03.2019 subject to the following conditions:-*

a) **Karagattam and Innisai Kacheri** at the Arulmigu Maruthudaiyar Sastha Pooranaporkodi Sri Raakkachi Amman and Sri Servarayan Swamy Temple Kodai Festival scheduled



to be held on 20.03.2019 and 21.03.2019, should be completed **before 11.30 p.m.** **Other religious functions associated with the temple can continue without loud speakers.**

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 price shall be given in the name of any political party or in the name of any Member associated with any political party.

g) No donation shall be received from 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 festival should be conducted in the spirit of festival and there will not be any bogey for political combine 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 dance 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.

10. 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.

11. The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of **Karagattam and Innisai Kacheri** and no law and order problem will arise. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The Deputy Superintendent of Police,
Sankarankovil,
Tirunelveli District.

3.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-55183[F] dated
20/03/2019)

CM

W.P. (MD) No.6322 of 2019

19.03.2019

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