



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.03.2019
CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 6442 of 2019

WEB COPY

Sethupathi Raja

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Ponnamaravathy Circle,
Pudukottai District.

2. The Sub Inspector of Police,
Arimalam Police Station,
Pudukottai District.

3. The Assistant Returning Officer,
Cum Special Sub Collector,
Sivagangai Constituency,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant permission and protection to conduct the drama Sathiyavan Savithiri on 23.03.2019 10.00 p.m to 5.00 a.m of 24.03.2019 in front of Kannan Thidal at Thanjur Village, Thirumayam Taluk, Pudukkottai District for the celebration of Kaman Pandigai.

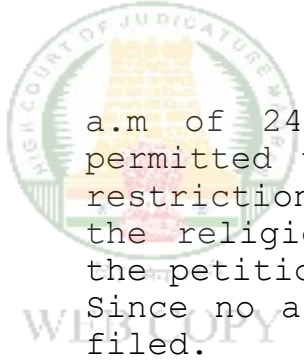
For Petitioner : Mr.K.Baalasundharam
For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to grant permission and protection to conduct the drama Sathiyavan Savithiri on 23.03.2019 10.00 p.m to 5.00 a.m of 24.03.2019 in front of Kannan Thidal at Thanjur Village, Thirumayam Taluk, Pudukkottai District for the celebration of Kaman Pandigai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the Villagers have conducted the Kaman Pandigai every year in the Tamil month of Masi peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct **Sathiyavan Savithiri Drama programme** 23.03.2019 10.00 p.m to 5.00



a.m of 24.03.2019. He also required that the petitioner be permitted to use sound system. The learned counsel added that any restriction in time for conduct of the said drama which is part of the religious practises should not be restricted. In this regard, the petitioner gave representation to the respondents on 15.03.2019. 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 there may not be any objection as to the operation of the religious practices and in so far as use of sound system is concerned, use of loud speaker cannot be considered as part of the religious practice and she relied on the judgment reported in **(2000)7 Supreme Court Cases 282 (In Church of God (Full Gospel) Vs. K.K.R. Majestic Colony Welfare Association and Others)**. She also brought to the notice of this Court a Notification dated August 10, 2017 in S.O.2555(E), wherein it is stated that use of sound system should not go beyond 12' o clock in the night. At this juncture, the learned Government Advocate submitted that as per the Code of conduct issued by the Election Commission, permission for conduct festival may also be required to be restricted to 10.00 p.m.

5. Taking over all view of the matter, this Court grants permission to conduct **Sathiyavan Savithiri Drama programme** in Kaman Panidigai at Thanjur Village, Thirumayam Taluk, Pudukkottai District scheduled to be held on **23.03.2019** and the Writ Petition is disposed of with the following directions:

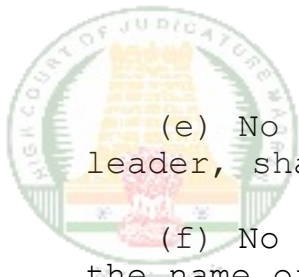
*The **second respondent / The Sub Inspector of Police, Arumalam Police Station, Pudukkottai District**, is directed to consider the representation of the petitioner, dated 15.03.2019 and to give permission and to provide police protection for **Sathiyavan Savithiri Drama programme**, scheduled to be held on **23.03.2019** in Kaman Panidigai at Thanjur Village, Thirumayam Taluk, Pudukkottai District, subject to the following conditions:-*

(a) Programme i.e., **Sathiyavan Savithiri Drama programme**, scheduled to be held on **23.03.2019**, in Kaman Panidigai at Thanjur Village, Thirumayam Taluk, Pudukkottai District scheduled should be completed before **12.00 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.

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 (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. The use of speakers shall not go beyond 12'o clock in the night. The petitioner will also give an undertaking to the Police that all the conditions narrated herein will be duly complied with.

In case of breach of conditions herein stipulated, the same will be waived by the Police for grant of permission next year.

7. The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of the Drama and other events and no law and order problem will arise.

8. 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(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To,

1.The Deputy Superintendent of Police,
Ponnamaravathy Circle,
Pudukottai District.

2.The Sub Inspector of Police,
Arimalam Police Station,
Pudukottai District.

3.The Assistant Returning Officer,
Cum Special Sub Collector,
Sivagangai Constituency,
Pudukkottai,
Pudukkottai District.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1cc to Mr.K.Baalasundharam, Advocate, SR.No.55549

W.P. (MD) No.6442 of 2019
20.03.2019

SP/22.03.2019/ 4P/6C