



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No. 6772 of 2019

M. Chandrasekaran

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Superintendent of Police,
Sivagangai District.

3.The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission and give adequate police protection to conduct the Vadamadu Manjuvirattu on 31.03.2019 at Oorkulathanpatti, Nedumaram Post, Thirupathur Taluk, Sivganganai District in connection with temple festival at Arulmigu Sri Karuppar Thirukkivil based on the petitioner's representation dated 18.03.2019.

For Petitioner : Mr.K.G. Arunkumar

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to issue a direction to the respondents to grant permission and give adequate police protection to conduct the Vadamadu Manjuvirattu on 31.03.2019 at Oorkulathanpatti, Nedumaram Post, Thirupathur Taluk, Sivganganai District in connection with temple festival at Arulmigu Sri Karuppar Thirukkivil based on the petitioner's representation dated 18.03.2019.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The petitioner has made a representation dated 18.03.2019 to the respondents, seeking for a direction and since no order has been passed, the petitioner has filed this Writ Petition.



4.The learned counsel appearing for the petitioner submitted that this festival is being conducted for several years in the Temple, namely Arulmigu Sri Karuppar Thirukkovil Festival in the above said Village. This festival, in fact is jointly conducted by the villagers belonging to the said village.

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5.The learned Government Advocate appearing for the respondents would submit that the respondents is not in a position to permit the same, since it may cause law and order problem.

6.It is seen from the records that Vadamadu Manjuvirattu has been conducted in the above said village for several years, jointly by the village people. Hence, this Court is of the view that mere apprehension of the law and order problem itself is not a ground to reject the permission without there being any material to substantiate the same. In this case, it is seen that there is no rival party to interfere and therefore, there is no ground to reject granting such a permission.

7.Considering the facts and circumstances of the case, the third respondent is directed to grant permission and provide protection to the petitioner for conducting Vadamadu Manjuvirattu on 31.03.2019 in the village namely Oorkulathanpatti, Nedumaram Post, Thirupathur Taluk, Sivgangai District in the temple namely Arulmigu Sri Karuppar Thirukkovil with the following conditions:

"(a)the participants are directed not to harass the animals.

(b)there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(c)double meaning songs should not be played so as to spoil the minds of students and the youth;

(d)no dance or songs, touching upon any political party or religion, community or caste be played;

(e)no flex boards in support of any political party or religious leader be erected;

(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 speech supporting or opposing any political party shall be made in the said tournament. No symbol of any political party or picture of any person affiliated in the political party shall be used.

(h) The sport should be conducted in the spirit of sport and there will not be any bogey for political combine for the general election, 2019.

(i)the function should not be affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(j)If there is any 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.

(k) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(l) if any untoward incident takes place, the organizers of the programme be made responsible for the same."

8. The third respondent/ the Inspector of Police, Kandavarayanpatti Police Station, Sivagangai District is directed to take all steps to ensure that the programme is conducted in a peaceful manner by imposing suitable conditions taking into consideration the ground situation and reality. The parties shall abide by the conditions imposed.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

1. The District Collector,
Sivagangai District.

2. The Superintendent of Police,
Sivagangai District.

3. The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

+1CC TO MR.K.G.ARUN KUMAR, Advocate Sr. No. 56738

W.P. (MD) No. 6772 of 2019

22.03.2019

TR (28.03.2019) 3P 5C