



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. [MD] No. 6820 of 2019

WEB COPY

N. Balakrishnan

: Petitioner

Vs.

1. The Superintendent of Police,
Pudukkottai District.

2. The Inspector of Police,
Vallathirakottai Police Station,
Pudukkottai District.

: Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to look into the grievance of the petitioner expressed in the representation dated 19.03.2019 and thereby accord permission to conduct the village festival of II- Mandagapati 25.03.2019 at about 10.00 p.m., onwards and to the next day 26.03.2019 at about 5.00 a.m., conducting the traditional programme of "Sree Valli Thirumana Nadagam", to the village temple namely, Senthakudi Arulmigu Sree Mazhai Mariamman Temple at S.Kulavaaipatti Village, Alangudi Taluk, Pudukkottai District.

For Petitioner : Mr.S. Sekar

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the respondents to grant permission to conduct village festival of II- Mandagapati 25.03.2019 at about 10.00 p.m., onwards and to the next day 26.03.2019 at about 5.00 a.m., conducting the traditional programme of "Sree Valli Thirumana Nadagam", to the village temple namely, Senthakudi Arulmigu Sree Mazhai Mariamman Temple at S.Kulavaaipatti Village, Alangudi Taluk, Pudukkottai District on the basis of petitioner's representation dated 19.03.2019.

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 to conduct village festival of II- Mandagapati 25.03.2019 at about 10.00 p.m., onwards and to the next day 26.03.2019 at about 5.00 a.m., conducting the traditional programme of "Sree Valli Thirumana Nadagam", to the village temple namely, Senthakudi Arulmigu Sree Mazhai Mariamman Temple at S.Kulavaaipatti Village, Alangudi Taluk,



Pudukottai District. In this regard, the petitioner gave a representation to the respondents on 19.03.2019. 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 to conduct to conduct village festival of II- Mandagapati and the traditional programme of "Sree Valli Thirumana Nadagam",

5. In view of the above, the petitioner is directed to give the names of those, who are going to perform well in advance to the third respondent.

6. 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 "Valli Thirumana Nadagam" and if the third respondent is satisfied, then the third respondent is required to grant permission as per the terms and conditions.

7. With regard to "Valli Thirumana Nadagam" by disciplined Artists with full cover dress code, the respondent police shall consider granting permission on the day stipulated therein with some directions.

8. The learned Government Advocate appearing for the respondents, on instructions, would submit permission may be granted subject to stringent conditions.

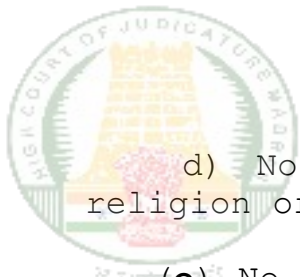
9. Considering the facts and circumstances of the case, this Court grants permission to conduct "Valli Thirumana Nadagam" on 26.03.2019. The Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Vallathirakottai Police Station, Pudukottai District, is directed to consider the representation of the petitioner, dated 19.03.2019 and to give permission and to provide police protection for conducting Valli Thirumana Nadagam scheduled to be held on 26.03.2019 subject to the following conditions:-

a) **Valli Thirumana Nadagam** at Senthakudi Arulmigu Sree Mazhai Mariamman Temple at S.Kulavaaipatti Village, Alangudi Taluk, Pudukottai District, scheduled to be held on 26.03.2019, should be completed **before 11.30 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 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 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.

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

Sd/-

Assistant Registrar(Cr1.side)

/True Copy/

Sub Assistant Registrar



To

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
Vallathirakottai Police Station,
Pudukkottai District.

+1cc to Mr.S. Sekar, Advocate, SR.No.56050

W.P. (MD) No.6820 of 2019
22.03.2019

SP/25.03.2019/ 4P/4C