



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No. 7067 of 2019

R.Periyannan

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Veerasolan Police Station, Veerasolan,
Virudhunagar District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order nil, dated 17.03.2019, on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to give the permission for conducting Valli Marriage Drama programme on 26.03.2019 on the night hours and Muthalaman Drama Programme on 27.03.2019 on the night hours for two days and give adequate police protection for peaceful performance of Panguni Pongal Festival scheduled to be conducted in the Arulmighu Sri Ramalingasamy Thirukovil, Rajanathakulam, Anaikulam Post, Thiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.V.Malaiyendran
For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition has been filed to call for the records pertaining to the impugned order nil, dated 17.03.2019, on the file of the second respondent and quash the same as illegal and consequently direct the respondent No.2 to give the permission for conducting Valli Marriage Drama programme on 26.03.2019 on the night hours and Muthalaman Drama Programme on 27.03.2019 on the night hours for two days and give adequate police protection for peaceful performance of Panguni Pongal Festival scheduled to be conducted in the Arulmighu Sri Ramalingasamy Thirukovil, Rajanathakulam, Anaikulam Post, Thiruchuli Taluk, Virudhunagar District.

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 temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct "Valli Marriage Drama Programme" on 26.03.2019 on the night hours and Muthalaman Drama Programme on 27.03.2019 on the night hours for two days of Panguni Pongal Festival scheduled to be conducted in Arulmighu Sri Ramalingasamy Thirukovil, Rajanathakulam, Anaikulam Post, Thiruchuli Taluk, Virudhunagar District. In this regard, the petitioner gave representation to the respondents on 11.03.2019. Since the respondent police rejected the permission sought for by the petitioner, the present writ petition has been filed challenging the said order of rejection.

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 quashes the order passed by the respondent police and directs the respondent police to conduct **"Valli Marriage Drama Programme"** scheduled to be held on **26.03.2019** and **Muthalamman Drama Programme** scheduled to be held on **27.03.2019** in Arulmigu Sri Ramalingasamy Thirukovil, Rajanathakulam, Anaikulam Post, Thiruchuli Taluk, Virudhunagar District, and the Writ Petition is disposed of with the following directions:

The **second respondent / Sub Inspector of Police, Veerasolan Police Station, Veerasolan, Virudhunagar District,** is directed to consider the representation of the petitioner dated **11.03.2019** and to give permission and to provide police protection for the **"Valli Marriage Drama Programme"** scheduled to be held on **26.03.2019** and **Muthalamman Drama Programme** scheduled to be held on **27.03.2019** before **11.30 p.m.,** in **Arulmigu Sri Ramalingasamy Thirukovil, Rajanathakulam, Anaikulam Post, Thiruchuli Taluk, Virudhunagar District** subject to the following conditions:-

(a) programmes I.e., **"Valli Marriage Drama Programme"** scheduled to be held on **26.03.2019** and **Muthalamman Drama Programme** scheduled to be held on **27.03.2019,** in **Arulmigu Sri Ramalingasamy Thirukovil, Rajanathakulam, Anaikulam Post, Thiruchuli Taluk, Virudhunagar District,** 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 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 (W)

// True Copy //

Sub Assistant Registrar (CS)



To

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

2.The Sub Inspector of Police,
Veerasolan Police Station, Veerasolan,
Virudhunagar District.

+1cc to Mr.V.MALAIYENDRAN, Advocate, SR.No.56699

W.P.(MD)No.7067 of 2019
26.03.2019

TSG

KK/SAR-/27.03.2019/4P-4C

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