



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.7253 of 2019

Periyapoovan

... Petitioner

Vs.

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

2.The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant permission to conduct the cultural programme (Karakattam & Ponnar Sankar Drama) and musical programme on 03.04.2019 upto 1 a.m with the assistance of loud speaker in "Sri Maha Mariyamman Koil, Ponnangkannipatti, Tha.Puthur Via, Musiri Taluk, Trichy District.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondents : Mrs.S.Bharathi

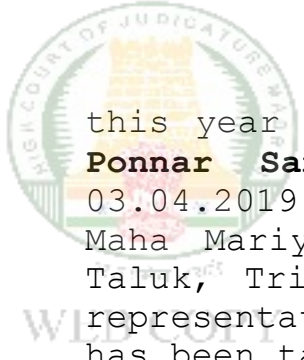
Government Advocate(criminal Side)

ORDER

This writ petition has been filed to direct the respondents to grant permission to conduct the cultural programme (Karakattam & Ponnar Sankar Drama) and musical programme on 03.04.2019 upto 1 a.m with the assistance of loud speaker in "Sri Maha Mariyamman Koil, Ponnangkannipatti, Tha.Puthur Via, Musiri Taluk, Trichy 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 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 **Karakattam & Ponnar Sankar Drama and musical programmes** to be held on 03.04.2019 upto 1 a.m with the assistance of loud speaker in "Sri Maha Mariyamman Koil, Ponnangkannipatti, Tha.Puthur Via, Musiri Taluk, Trichy District. In this regard, the petitioner gave a representation to the respondents on 25.03.2019. 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. He further submitted that permission may be granted subject to stringent conditions.

5. In view of the above, the second respondent police is directed to verify as to whether the troupe fixed by the petitioner is actually performing traditional folk dances including **Karakattam** and if the second respondent is satisfied, then, the second respondent is required to grant permission as per the terms and conditions. He is further directed to get the names of the other participants and their addresses.

6. Considering the facts and circumstances of the case, this Court grants permission to conduct **Karakattam** by disciplined Young artists with full cover dress code on 03.04.2019 and the Writ Petition is disposed of with the following directions:

*The second respondent / Inspector of Police, Musiri Police Station, Musiri, Trichy District, is directed to consider the representation of the petitioner, dated 25.03.2019 and to give permission and to provide police protection for conducting cultural programme namely, **Karakattam**, scheduled to be held on 03.04.2019, subject to the following conditions:-*

(a) **Karakattam** in "Sri Maha Mariyamman Koil, Ponnangkannipatti, Tha.Puthur Via, Musiri Taluk, Trichy District,. scheduled to be held on 03.04.2019, 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 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.

7. 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.

8. The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of Karakattam and no law and order problem will arise. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To

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

2.The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-57079[F] dated
27/03/2019)

TSG

Order made in
W.P. (MD) No.7253 of 2019
27.03.2019

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