



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2019

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THE HONOURABLE MR. JUSTICE N. SESHASAYEE**W.P. (MD) No. 7980 of 2019**

C. Krishnamoorthy

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.2. The Sub Inspector of Police,
Natham Police Station,
Dindigul District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings dated 28.03.2019 and quash the same and consequently direct the respondents herein to grant permission and adequate Police protection for conducting the "Gramiya Kalai Nigalchigal" function on 09.04.2019 at Serveedu, Velampatti Village, Natham Taluk, Dindigul District on the eve of Sri Vettaikaran-Sri Bagavathi, Ser Karuppu and Sri Agasaveeran Temple Festival.

For Petitioner : Mr. S. Sarvagan Prabhu

For Respondents : Mrs. S. Bharathi

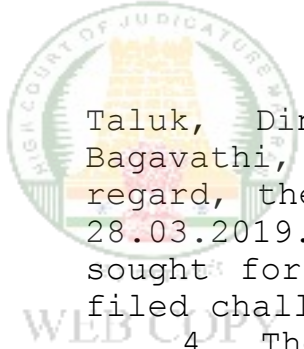
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the second respondent in his proceedings dated 28.03.2019 and quash the same and consequently direct the respondents herein to grant permission and adequate Police protection for conducting the "Gramiya Kalai Nigalchigal" function on 09.04.2019 at Serveedu, Velampatti Village, Natham Taluk, Dindigul District on the eve of Sri Vettaikaran-Sri Bagavathi, Ser Karuppu and Sri Agasaveeran Temple Festival.

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. As per the tradition and customs, this year also the Villagers have planned to conduct "Gramiya Kalai Nigalchigal" function on 09.04.2019 at Serveedu, Velampatti Village, Natham



Taluk, Dindigul District, on the eve of Sri Vettaikaran-Sri Bagavathi, Ser Karuppu and Sri Agasaveeran Temple Festival. In this regard, the petitioner gave a representation to the respondents on 28.03.2019. 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 **"Gramiya Kalai Nigalchigal"** function on **09.04.2019** at **Serveedu, Velampatti Village, Natham Taluk, Dindigul District, on the eve of Sri Vettaikaran-Sri Bagavathi, Ser Karuppu and Sri Agasaveeran Temple Festival**, and the Writ Petition is disposed of with the following directions:

The **second respondent / Sub Inspector of Police, Natham Police Station, Dindigul District**, is directed to consider the representation of the petitioner dated **28.03.2019** and to give permission and to provide police protection for the **"Gramiya Kalai Nigalchigal"** scheduled to be held on **09.04.2019 before 11.00 p.m., in Serveedu, Velampatti Village, Natham Taluk, Dindigul District, on the eve of Sri Vettaikaran-Sri Bagavathi, Ser Karuppu and Sri Agasaveeran Temple Festival** subject to the following conditions:-

(a) programme I.e., **"Gramiya Kalai Nigalchigal"** scheduled to be held on **09.04.2019** , in **Serveedu, Velampatti Village, Natham Taluk, Dindigul District, on the eve of Sri Vettaikaran-Sri Bagavathi, Ser Karuppu and Sri Agasaveeran Temple Festival** should be completed before **11.00 p.m.**

(b) **There should not be any program which is commonly known by the name in this part of the State as 'Adal Padal'.**

(c) **There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.**

(d) **Double meaning songs should not be played as they will spoil the minds of students and youths.**

(e) **No dance or songs, touching upon any political party or religion or community or caste shall be played.**

(f) **No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.**



(g) No donation shall be received from any political party or in the name of any Member associated with any political party.

(h) No price shall be given in the name of any political party or in the name of any Member associated with any political party.

(i) 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.

(j) 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.

(k) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(l) 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

(m) Similarly, the police is directed to stop the programme, if it is conducted beyond the permitted time limit.

(n) 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.

7. In case the order copy is not received by the concerned respondents, the Government Advocate(Crl.side) is directed to communicate the operative portion of the order and conditions imposed in this order to them.

8. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //



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To,

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

2. The Sub Inspector of Police,
Natham Police Station,
Dindigul District.

1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-59159[F] dated
05/04/2019)

Order made in
W.P. (MD) No. 7980 of 2019

04.04.2019

DS/ /SAR- (10.04.2019) 4P 4C