



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2019**

CORAM:

THE HONOURABLE MR. JUSTICE. N. SESHASAYEE

W.P. [MD].No.8028 of 2019

Prathap

: Petitioner

Vs.

1.The Tahsildar / Election Officer,
Tenkasi Parliament Constituency,
Rajapalayam, Virudhunagar District.

2.The Superintendent of Police,
Virudhunagar District

3.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

4.The Inspector of Police,
North Police Station, Rajapalayam,
Virudhunagar District.

5.The Inspector of Police,
South Police Station,
Rajapalayam, Virudhunagar District : Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant permission to perform the Nathaswaram, Melam, Drums and Crackers during the Temple Car (Therottam) from 07.04.2019 to 09.04.2019 morning at about 03.00 AM to 10.00 AM in connection with temple Festival at Arulmigu Sri Mariamman Thirukkivil is situated at Thiruvalluvar Nagar, Rajapalayam , Virudhunagar District, based on the petitioner's representation dated 02.04.2019.

For Petitioner : Mr.R.Niresh Kumar

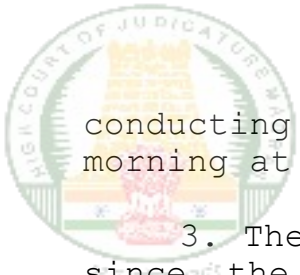
For Respondents : Mrs.S.Bharathi

Government Advocate (Crl.Side)

O R D E R

This petition is filed seeking a direction to the respondents to grant permission to perform the Nathaswaram, Melam, Drums and Crackers during the Temple Car (Therottam) from 07.04.2019 to 09.04.2019 morning at about 03.00 AM to 10.00 AM in connection with temple Festival at Arulmigu Sri Mariamman Thirukkivil is situated at Thiruvalluvar Nagar, Rajapalayam , Virudhunagar District, based on the petitioner's representation dated 02.04.2019.

2.Earlier, the petitioner moved the authorities and the request made by the petitioner has not been considered so far. Hence, the petitioner has filed the present petition seeking permission for



conducting Temple Car (Therottam) from 07.04.2019 to 09.04.2019 morning at about 03.00 a.m. to 10.00 a.m

3. The learned Government Advocate (Crl.side) would submit that since the respondent police may be engaged in election work, permission may be granted to conduct Therottam between 4.00 p.m to 10.00 p.m.

4. The learned counsel for the petitioner submitted that every year the villagers have conducted Therottam at about 03.00 a.m to 10.00 a.m. Usually during such time, Therottam, will be conducted customarily.

5. Both the learned counsel for the petitioner and the learned Government Advocate (Crl.side) agreed to conduct Therottam between 4.00 a.m to 10.00 p.m.

6. In view of the above, the petitioner is directed to give a fresh representation to the fourth respondent police. Further, the petitioner shall give an undertaking that during Therottam, no untoward incident would be happened and to follow the prevailing Conduct of Election Code. The organizers will take responsibility for the peaceful conduct of Therottam in connection with temple Festival at Arulmigu Sri Mariamman Thirukkivil is situated at Thiruvalluvar Nagar, Rajapalayam, Virudhunagar District and no law and order problem will arise.

7. It is open to the fourth and fifth 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. So far as 'Mela-Thalam' is concerned, the learned Government Advocate(Crl.side) submitted that there should not be 'Mela- Thalam' during the festivals. Such condition appears to be ridiculous since it is part of our tradition to have 'Mela-Thalam' during festivals. Hence, the petitioner is permitted to have 'Mela-Thalam' between 4.00 a.m to 10.00 p.m.

9. Since the order copy may not be ready and the concerned respondent police is also physically present before this Court, the fourth and fifth respondent police are directed to consider the fresh representation to be given by the petitioner in the spirit of the order hereinabove passed.

10. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/



To

1.The Tahsildar / Election Officer,
Tenkasi Parliament Constituency,
Rajapalayam, Virudhunagar District.

2.The Superintendent of Police,
Virudhunagar District

3.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

4.The Inspector of Police,
North Police Station, Rajapalayam,
Virudhunagar District.

5.The Inspector of Police,
South Police Station,
Rajapalayam, Virudhunagar District.
Trichy District.

+1cc to Mr.R.Niresh Kumar, Advocate, SR.No.59089

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SP/08.04.2019/ 3P/7C