



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No. 8233 of 2019

S.Jegan Vasanthakumar

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli & Post.

2.The Deputy Superintendent of Police,
Vallioor & Post,
Tirunelveli District-627 117.

3.The Inspector of Police,
Panagudi Police Station,
Panagudi & Post,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission and protection for the Chithirai festival and its connected functions and arrangements such as sound and lighting, flex boards etc at Sri Athisaya Vinayagar Temple at Amabl Nagar, Vadakangulam, Radhapuram Taluk, Tirunelveli District for the period 09.04.2019 to 18.04.2019 upto 01.00 a.m., every day by considering the petitioner's representation dated 02.04.2019.

For Petitioner : Mr.C.Dhanaseelan

For Respondents : Mrs.S.Bharathi

Government Advocate

(Crl.Side)

ORDER

This writ petition has been filed to direct the respondents to grant permission and protection for the Chithirai festival and its connected functions and arrangements such as sound and lighting, flex boards etc at Sri Athisaya Vinayagar Temple at Amabl Nagar, Vadakangulam, Radhapuram Taluk, Tirunelveli District for the period 09.04.2019 to 18.04.2019 up to 01.00 a.m., every day by considering the petitioner's representation dated 02.04.2019.

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 the "Chithirai festival", scheduled to be held from 09.04.2019 to 18.04.2019, up to 01.00 a.m., in Sri Athisaya Vinayagar Temple at Amabl Nagar, Vadakangulam, Radhapuram Taluk, Tirunelveli District. In this regard, the petitioner gave representations to the respondents on 02.04.2019. 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. Considering the facts and circumstances of the case, this Court grants permission to conduct the "Chithirai festival" scheduled to be held from 09.04.2019 to 18.04.2019, in Sri Athisaya Vinayagar Temple at Amabl Nagar, Vadakangulam, Radhapuram Taluk, Tirunelveli District, and the Writ Petition is disposed of with the following directions:

The third respondent / Inspector of Police, Panagudi Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 02.04.2019 and to give permission and to provide police protection for the "Chithirai festival" scheduled to be held from 09.04.2019 to 18.04.2019, before 11.00 p.m.,.

*(a) programmes i.e., "Chithirai festival" in connection done in S Sri Athisaya Vinayagar Temple at Amabl Nagar, Vadakangulam, Radhapuram Taluk, Tirunelveli District, scheduled to be held from **09.04.2019 to 17.04.2019**, should be completed before **11.00 p.m.***

*(b) Since the last day of the festival falls on the general election day and since the temple is situated within the premises of the School, which said to be belonged to the petitioner and declared as election booth, the festival on **18.04.2019** should be completed before **10.00 p.m.***

(c) The electoral officer shall give such protection to the election without infringing the right of the petitioner to hold the festival on that date.



(d) No dance and song programs which commonly known in this part of the Country as 'Adal Padal' shall be permitted.

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

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

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

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

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

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

(k) 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.

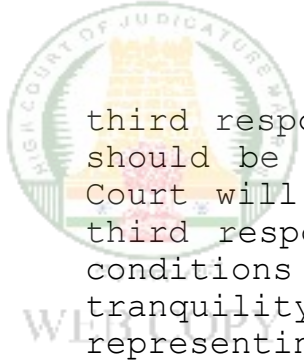
(l) The function will be conducted in the spirit of function and there will not be a bogey for political parties for the general election, 2019.

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

(n) 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

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

(p) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.



third respondent does not take any decision as to how the festival should be conducted on 18.04.2019, the order now passed by this Court will operate for 18.04.2019 also and it is also open to the third respondent 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.

7. As there is a likelihood of paucity of time for issuing a certified copy of this order, the learned Government Advocate is required to communicate the operative portion of this order to the third respondent and the third respondent is directed to consider the same and pass such necessary orders. No costs. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS III)

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To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli & Post.

2.The Deputy Superintendent of Police,
Vallioor & Post,
Tirunelveli District-627 117.

3.The Inspector of Police,
Panagudi Police Station,
Panagudi & Post, Tirunelveli District.

1 CC to M/s.C.DHANASEELAN, Advocate (SR-59369[F] dated 05/04/2019)

W.P. (MD) No.8233 of 2019

DS/ /SAR- (11.04.2019) 4P 5C