



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2019

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.P. (MD) No.8460 of 2019

S.Paneerselvam

... Petitioner

Vs.

1. The Tahsildar/Election Officer,
Tenkasi Parliamentary 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.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 03.04.2019 for using Nadaswaram, Melam including Sandamelum, Trumpset, Thapattam, Crackers from 12.04.2019 at 6.00 a.m to 13.04.2019 at 6.00 a.m in Arulmighu Draupathi Amman Thirukovil Maravar Mandagapadi 10th Thiruvizha within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Karthikeyan

For Respondents : Mrs.M.Anantha Devi

Government Advocate (Crl.Side)

ORDER

This writ petition has been filed to direct the respondents to grant permission to use Nadaswaram, Melam including Sandamelum, Trumpset, Thapattam, Crackers from 12.04.2019 at 6.00 a.m to 13.04.2019 at 6.00 a.m in Arulmighu Draupathi Amman Thirukovil Maravar Mandagapadi 10th Thiruvizha.

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 the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct **Maravar Mandagapadi 10th Thiruvizha** from 12.04.2019 at 06.00 a.m., to 13.04.2019 at 06.00 a.m., in this regard, the petitioner gave a representation to the respondents on 03.04.2019. 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 **Maravar Mandagapadi 10th Thiruvizha** from 12.04.2019 at 06.00 a.m., to 13.04.2019 at 06.00 a.m., and the Writ Petition is disposed of with the following directions:

*The fourth respondent / The Inspector of Police, North Police Station, Rajapalayam, Virudhunagar District is directed to consider the representation of the petitioner, dated 03.04.2019 and to give permission and to provide police protection for **Maravar Mandagapadi 10th Thiruvizha**, in the festival of Arulmighu Draupathi Amman Thirukovil, Rajapalayam, Virudhunagar District, scheduled to be held on 12.04.2019 at 06.00 a.m., to 13.04.2019 at 06.00 a.m., subject to the following conditions:-*

*(a) **Maravar Mandagapadi 10th Thiruvizha**, in Arulmighu Draupathi Amman Thirukovil, Rajapalayam, Virudhunagar District, scheduled to be held on 12.04.2019 at 06.00 a.m., to 13.04.2019 at 06.00 a.m., should be conducted without nuisance to public.*

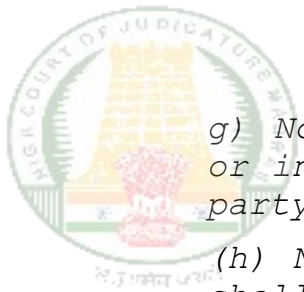
(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(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 price shall be given in the name of any political party or in the name of any Member associated with any political party.



g) No donation shall be received from 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 festival should be conducted in the spirit of festival and there will not be any bogey for political combine 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 dance 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 (CO)

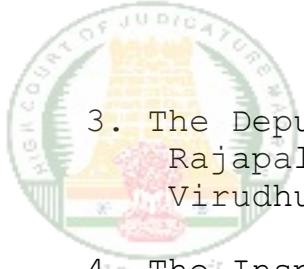
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Sub Assistant Registrar (CS)

To

1. The Tahsildar/Election Officer,
Tenkasi Parliamentary 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.

+1cc to Mr.M.Karthikeyan, Advocate, SR.No.59980

W.P. (MD) No.8460 of 2019

DSS

KK/SAR/11.04.2019/ 4P- 6C