



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI**W.P. (MD) No.8733 of 2019**

Amulraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Taluk Police Station,
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 to the petitioner and Melapattam Village people to conduct Chithirai festival and Ayya Vazhi Isai Sorpolivu (Religious Discourse) on 28.04.2019 from 09.00 p.m., to 1.00 a.m., (Four hours) at the Sriman Narayanasamy (Ayya Vazhi) temple which is situated at Melapattam Village, Palayamkottai Taluk, Tirunelveli district based on the representation dated 26.03.2019.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mrs.S.Bharathi,
Government Advocate (Crl.Side).**ORDER**

This writ petition has been filed to direct the respondents to grant permission to the petitioner and Melapattam Village people to conduct Chithirai festival and Ayya Vazhi Isai Sorpolivu (Religious Discourse) on 28.04.2019 from 09.00 p.m., to 1.00 a.m., (Four hours) at the Sriman Narayanasamy (Ayya Vazhi) temple which is situated at Melapattam Village, Palayamkottai Taluk, Tirunelveli District based on the representation dated 26.03.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The learned counsel 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 Chithirai festival and Ayya Vazhi Isai Sorpolivu (Religious Discourse) on 28.04.2019 between 09.00 p.m., to 1.00



a.m. In this regard, the petitioner gave a representation to the respondents on 26.03.2019. 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. Considering the facts and circumstances of the case, this Court grants permission to conduct Chithirai festival and Ayya Vazhi Isai Sorpolivu (Religious Discourse) on 28.04.2019 between 09.00 p.m., and 1.00 a.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Taluk Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 26.03.2019 and to give permission and to provide police protection for "Sriman Narayanasamy (Ayya Vazhi) temple, which is situated at Melapattam Village, Palayamkottai Taluk, Tirunelveli District to be held on 28.04.2019, subject to the following conditions:-

(a) "Adal Padal" done in "Sriman Narayanasamy (Ayya Vazhi) temple, which is situated at Melapattam Village, Palayamkottai Taluk, Tirunelveli District, scheduled to be held on 28.04.2019, should be completed before 11.00 p.m.

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

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

(d) No speeches supporting or opposing any political party shall be made.

(e) The function should be conducted in the spirit of function and there will not be any bogey for political combine for the general election, 2019.

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

(g) 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

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

(i) 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)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

2.The Inspector of Police,
Taluk Police Station,
Tirunelveli District.

+1CC TO MR.R.KARUNANIDHI, Advocate Sr. No. 60700

Order made in
W.P.(MD)No.8733 of 2019

TR (22.04.2019) 3P 4C