



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.8823 of 2019

M.Senthurapandian

... Petitioner

Vs.

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

2.The Inspector of Police,
Kurumbur Police Station,
Tuticorin 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 perform the cultural program of "Innisai Kacheri" programme on 11.05.2019 night at about 07.00 p.m., to 11.00 a.m., at Arulmigu Sri Mariamman, Sri Muniyasamy, Thirukovil is situated at Lakshmipuram, Nalamavadi Post, Tiruchendur, Tuticorin and to provide adequate police protection based on the petitioner's representation dated 09.04.2019.

For Petitioner : M/s.S.Bharathi

For Respondents : Mrs.S.Bharathi
Government Advocate (Crl. side)

ORDER

This writ petition has been filed to direct the respondents to grant permission to conduct the cultural program of "Innisai Kacheri" programme on 11.05.2019 night at about 07.00 p.m., to 11.00 a.m., at Arulmigu Sri Mariamman, Sri Muniyasamy, Thirukovil is situated at Lakshmipuram, Nalamavadi Post, Tiruchendur, Tuticorin.

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 Innisai Kacheri on 11.05.2019 at night. In this regard, the petitioner gave a representation to the



respondents on 09.04.2019. 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 Innisai Katcheri on 11.05.2019 up to 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / The Inspector of Police, Kurumbur Police Station, Tuticorin District, is directed to consider the representation of the petitioner, dated 09.04.2019 and to give permission and to provide police protection for "Innisai Katcheri" program in the eve of Chithirai Thiruvizha for Arulmigu Sri Mariamman, Sri Muniyasamy, Thirukovil is situated at Lakshmipuram, Nalamavadi Post, Tiruchendur, Tuticorin, scheduled to be held on 11.05.2019, subject to the following conditions:-

(a) programme I.e., Innisai Katcheri, done in Arulmigu Sri Mariamman, Sri Muniyasamy, Thirukovil is situated at Lakshmipuram, Nalamavadi Post, Tiruchendur, Tuticorin, scheduled to be held on 11.05.2019, should be completed before 10.00 p.m.

(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.

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

(j) 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



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

(1) 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,
Tuticorin District, Tuticorin.
- 2.The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

+1CC TO MR.S.BHARATHI, Advocate Sr. No.60946

Order made in
W.P. (MD) No.8823 of 2019

TR (24.04.2019) 3P 4C