



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.8910 of 2019

R.R.Thanasingh
President,
Muthumariamman Kovil Utsav Festival Committee,
2/12 Mill Colony,
Ramji Nagar, Trichy.

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of police,
Edamalaipatti Pudhur Police Station,
Trichy.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programmes viz., Karagattam and Gramiya Kalai Nigalchi on 26.04.2019, Valli Thirumanam Nadagam on 27.04.2019 and Orchestra on 28.04.2019 in the eve of Arulmigu Selvamuthu Mari Amman Temple Festival at Mill Colony, Ramji Nagar, Trichy.

For Petitioner : Mr.T.Senthilkumar

For Respondents : Mrs.S.Bharathi

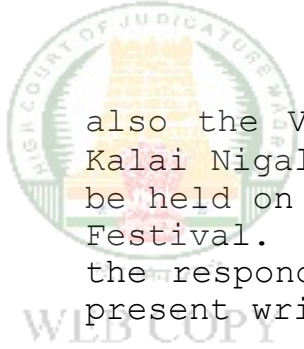
Government Advocate (Crl. side)

ORDER

This writ petition has been filed to direct the respondents to grant permission and protection for Karagattam and Gramiya Kalai Nigalchi on 26.04.2019, Valli Thirumanam Nadagam on 27.04.2019 and Orchestra on 28.04.2019 in the eve of Arulmigu Selvamuthu Mari Amman Temple Festival at Mill Colony, Ramji Nagar, Trichy.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that the Villagers have conducted cultural programme for the temple festival every year peacefully. As per the tradition and customs, this year



also the Villagers have planned to conduct Karagattam and Gramiya Kalai Nigalchi, Valli Thirumanam Nadagam and Orchestra Programmes to be held on 26.04.2019 to 28.04.2019 to be conducted at the Chithirai Festival. In this regard, the petitioner gave a representation to the respondents on 07.04.2019. 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. In view of the above, the second respondent police is directed to verify as to whether the troupe fixed by the petitioner is actually performing traditional folk dances including Karagattam and Gramiya Kalai Nigalchi, Valli Thirumanam Nadagam and Orchestra and if the second respondent is satisfied, then, the second respondent is required to grant permission as per the terms and conditions. He is further directed to get the names of the other participants and their addresses.

6. Considering the facts and circumstances of the case, this Court grants permission to conduct Karagattam and Gramiya Kalai Nigalchi, Valli Thirumanam Nadagam and Orchestra and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Edamalaipatti Pudhur Police Station, Trichy, is directed to consider the representation of the petitioner, dated 07.04.2019 and to give permission and to provide police protection for conducting cultural programme namely, Karagattam and Gramiya Kalai Nigalchi, Valli Thirumanam Nadagam and Orchestra scheduled to be held on 26.04.2019 to 28.04.2019, subject to the following conditions:-

*(a) Karagattam and Gramiya Kalai Nigalchi, Valli Thirumanam Nadagam and Orchestra at the Chithirai Festival done in Arulmigu Selvamuthu Mari Amman Temple Festival at Mill Colony, Ramji Nagar, Trichy, scheduled to be held on 26.04.2019 to 28.04.2019, should be completed **before 11.00 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.



(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.

7. 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.

8. The petitioner shall give an undertaking that he will take responsibility for the peaceful conduct of Karagattam and Gramiya Kalai Nigalchi, Valli Thirumanam Nadagam and Orchestra and no law and order problem will arise. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police,
Edamalaipatti Pudhur Police Station,
Trichy.

2. The Inspector of police,
Edamalaipatti Pudhur Police Station,
Trichy.

+1cc to Mr. T. Senthilkumar, Advocate, SR.No.61141

W.P. (MD) No. 8910 of 2019
12.04.2019

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KK/SAR/15.04.2019/ 3P- 4C