



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) No. 8929 of 2019

Kannan

.. Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram.

2.The Inspector of Police,
Peraiyur Police Station,
Kamuthi Taluk,
Ramanathapuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the second respondent to grant permission to conduct Gramiya Kalai Nigalchi (Adal Padal) programme on 23.04.2019 and 24.04.2019 at 8.00 p.m in Sri. Perumal Swamy, Sri.Muthunagamman and Karupanaswamy temples, Pakkuvetti Village, Kamuthi Taluk, Ramanathapuram District and give adequate police protection in connection with the temple festival based on the petitioner's representation dated 08.04.2019.

For Petitioner :Mr.M.Seeni Sulthan

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

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the second respondent to grant permission to conduct Gramiya Kalai Nigalchi (Adal Padal) programme on 23.04.2019 and 24.04.2019 at 8.00 p.m in Sri. Perumal Swamy, Sri.Muthunagamman and Karupanaswamy Temples, Pakkuvetti Village, Kamuthi Taluk, Ramanathapuram District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.

3.The learned counsel for the petitioner submitted that every year in the Tamil month of Chithirai, the annual celebration of Sri. Perumal Swamy, Sri.Muthunagamman and Karupanaswamy Temples are being



held. Now, this year also, the Village people decided to conduct the festival on 23.04.2019 and 24.04.2019 and also decided to conduct Cultural Programme viz., Gramiya Kalai Nigalchi (Adal Padal) on 23.04.2019 and 24.04.2019, for which, the petitioner and other Village people approached the second respondent in person on 08.04.2019 seeking to grant permission for the said Programme on 23.04.2019 and 24.04.2019 and also grant permission for light and sound. The second respondent received the said representation and orally stated that no permission will be granted and therefore, the learned counsel for the petitioner prayed that a direction may be issued to the second respondent to grant permission for conducting the said Programme.

4.The learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that the second respondent has no serious objection, however, the permission may be granted subject to stringent conditions.

5.Taking into consideration the submission of the both parties, this Court is of the opinion that permission may be granted subject to imposition of reasonable conditions. In view of the same, the second respondent is directed to consider the representation of the petitioner, dated 08.04.2019 and to give permission for the Cultural Programme viz., Giramiya Kalainigalchi (Adal Padal) scheduled to be held on 23.04.2019 and 24.04.2019, subject to the following conditions:-

(a) The Giramiya Kalainigalchi Programme scheduled to be held on 23.04.2019 and 24.04.2019 as part of the ''Perumal Swamy, Sri.Muthunagamman and Karupanaswamy Temples'', situated at Pakkuvetti Village, Kamuthi Taluk, Ramanathapuram District, 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.

(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 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 impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any flex board representing any community.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar (CS I)

To

1. The Superintendent of Police,
Ramanathapuram.
2. The Inspector of Police,
Peraiyur Police Station,
Kamuthi Taluk,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.M.SEENI SULTHAN, Advocate (SR-61036[F]
dated 15/04/2019)

W.P. (MD) No. 8929 of 2019

12.04.2019