



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

W.P. (MD) No. 9056 of 2019

Selvapandi, S/o.Nallaperumal

.. Petitioner

Vs.

1.State Rep. by  
The Superintendent of Police,  
Tirunelveli District.

2.State Rep. by  
The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents herein to give permission and police protection to conduct Innisai Katcheri on 18.04.2019 at Arulmighu Sri Valampuri Vinayagar Swami Iyyappan Thirukovil at Chettikulam, Pannaiyur, Radhapuram Taluk, Tirunelveli District, based upon the petitioner's representation dated 08.04.2019.

For Petitioner :Mr.K.Gokul

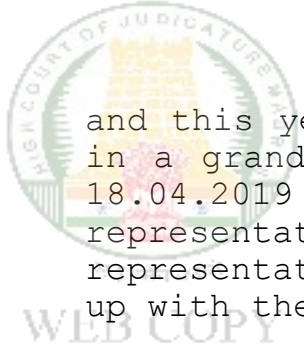
For Respondents :Mrs.S.Bharathi  
Government Advocate  
(Criminal side)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents herein to give permission and police protection to conduct Innisai Katcheri on 18.04.2019 at Arulmighu Sri Valampuri Vinayagar Swami Iyyappan Thirukovil at Chettikulam, Pannaiyur, Radhapuram Taluk, Tirunelveli District, based upon the petitioner's representation dated 08.04.2019.

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 the petitioner is the President of the Temple Festival Committee. Every year, the Chithrai festival will be celebrated in the said Temple



and this year also, the Villagers planned to celebrate the festival in a grand manner and also decided to conduct Innisai Katcheri on 18.04.2019 at 07.00 p.m. In this regard, the petitioner gave a representation to the respondents on 08.04.2019. But, the said representation was not considered till date, the petitioner has come up with the present Writ Petition.

4.The learned Government Advocate (Criminal side) appearing for the respondents submitted that the respondents have no serious objection for the petitioner conducting such festival in any other day instead of 18.04.2019, since the general election for Parliament is scheduled to be held on 18.04.2019 and therefore, the respondents are not in a position to grant permission on 18.04.2019 to conduct the said Programme.

5.On the abovesaid submission of the learned Government Advocate (Criminal side), the learned counsel appearing for the petitioner submitted that the petitioner is ready to conduct the Programme on the next day, i.e., 19.04.2019.

6.In such a case, the learned Government Advocate (Criminal side) appearing for the respondents has no objection for the petitioner conducting the Programme on 19.04.2019, however, a permission may be granted subject to stringent conditions.

7.Taking into consideration the submission of the both parties, the second respondent is directed to consider the representation of the petitioner, dated 08.04.2019 and to give permission for the Innisai Katcheri scheduled to be held on 19.04.2019 from 08.00 p.m. to 10.00 p.m. in Arulmighu Sri Valampuri Vinayagar Swami Iyyappan Thirukovil at Chettikulam, Pannaiyur, Radhapuram Taluk, Tirunelveli District, subject to the following conditions:-

(a) The Programme scheduled to be held on 19.04.2019 in Arulmighu Sri Valampuri Vinayagar Swami Iyyappan Thirukovil at Chettikulam, Pannaiyur, Radhapuram Taluk, Tirunelveli 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 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.

8.It is open to the 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.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS II)

To

- 1.The Superintendent of Police,  
Tirunelveli District.
- 2.The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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