



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9087 of 2019

Murugesan, S/o.Perumal

.. Petitioner

Vs.

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

2.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 16.04.2019 at Sri Adhisya Vinayagar Thirukovil at Chettikulam Pudhumanai, 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)

ORDER

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 16.04.2019 at Sri Adhisya Vinayagar Thirukovil at Chettikulam Pudhumanai, 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. According to the petitioner, he is the President of the Temple Festival Committee and the Villagers are going to celebrate Chithrai Festival in a grand manner and also decided to conduct Innisai Katcheri on 16.04.2019 and therefore, he has given a representation dated 08.04.2019 to the respondents seeking permission and police protection to conduct Innisai Katcheri on 16.04.2019 at Sri Adhisya Vinayagar Thirukovil at Chettikulam Pudhumanai, Radhapuram Taluk, Tirunelveli District. Since the said representation was not considered by the respondents, the petitioner has come up with the present Writ Petition.

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

5. 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 16.04.2019 from 08.00 p.m. to 10.00 p.m. in Sri Adhisya Vinayagar Thirukovil at Chettikulam Pudhumanai, Radhapuram Taluk, Tirunelveli District, subject to the following conditions:-

(a) Innisai Katcheri scheduled to be held on 16.04.2019 in Sri Adhisya Vinayagar Thirukovil at Chettikulam Pudhumanai, 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.



6.It is open to the second respondent 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 (AS)

/ True Copy /

Sub Assistant Registrar(CS-II)

SMN2

To

1.The Superintendent of Police,
Tirunelveli District.

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

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