



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.9130 of 2019

S.Kalidhasan

.. Petitioner

Vs.

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

2.The Inspector of Police,
Masarpatti Police Station,
Thoothukudi 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 to grant permission and protection to conduct Grammiya Kalai Nigalchi and Adal Padal Programme on 24.05.2019 at 7.00 p.m. to 11.00 p.m. in connection with ''Vaigasi Thiruvizha'' the festival of Arulmighu Sri Pathirakaliamman Tirukovil, at Vembur, Vilathikulam Taluk, Ettayapuram Via, Thoothukudi District.

For Petitioner : Mr.R.Karthick Rajan

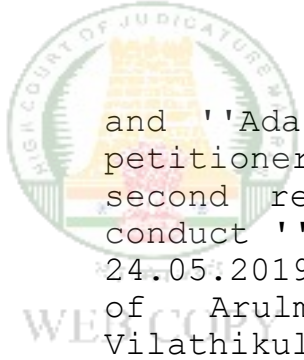
For Respondents: Mrs.S.Bharathi
Government Advocate
(Criminal side)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to grant permission and protection to conduct Grammiya Kalai Nigalchi and Adal Padal Programme on 24.05.2019 at 7.00 p.m. to 11.00 p.m. in connection with ''Vaigasi Thiruvizha'' the festival of Arulmighu Sri Pathirakaliamman Tirukovil, at Vembur, Vilathikulam Taluk, Ettayapuram Via, Thoothukudi District.

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 Member of the festival committee of Arulmighu Sri Pathirakaliamman Tirukovil, at Vembur, Vilathikulam Taluk, Ettayapuram Via, Thoothukudi District and the villagers are going to celebrate Vaigasi Thiruvizha on 24.05.2019 and also decided to conduct ''Grammiya Kalai Nigalchi''



and ''Adal Padal'' Programme on 24.05.2019. In this regard, the petitioner has given a representation dated 10.04.2019 to the second respondent seeking permission and police protection to conduct ''Grammiya Kalai Nigalchi'' and ''Adal Padal'' Programme on 24.05.2019 in connection with ''Vaigasi Thiruvizha'', the festival of Arulmighu Sri Pathirakaliamman Tirukovil, at Vembur, Vilathikulam Taluk, Ettayapuram Via, Thoothukudi District. Since the said representation was not considered by the second respondent, the petitioner has come up with the present Writ Petition.

4.The learned Government Advocate (Criminal side) appearing for the respondents, 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 10.04.2019 and to give permission for the ''Grammiya Kalai Nigalchi'' and ''Adal Padal'' Programme on 24.05.2019 at 7.00 p.m. to 11.00 p.m. in connection with ''Vaigasi Thiruvizha'' the festival of Arulmighu Sri Pathirakaliamman Tirukovil, at Vembur, Vilathikulam Taluk, Ettayapuram Via, Thoothukudi District, subject to the following conditions:-

(a) ''Grammiya Kalai Nigalchi'' and ''Adal Padal'' Programme scheduled to be held on 24.05.2019 in connection with ''Vaigasi Thiruvizha'', the festival of Arulmighu Sri Pathirakaliamman Tirukovil, at Vembur, Vilathikulam Taluk, Ettayapuram Via, Thoothukudi District, 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.

WEB COPY

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 (CO)

// True Copy //

Sub Assistant Registrar (CS)

smn2

To

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

+1CC TO MR.R.KARTHIC RAJAN, Advocate Sr. No. 61418

W.P.(MD)No.9130 of 2019
15.04.2019

TR (23.04.2019) 3P 5C