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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

W.P.[MD].No.9580 of 2019

A.Karthik : 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 to issue a Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme vic., Gramiya Kalai Nigalchi on 26.04.2019 and 27.04.2019 in the eve of Arulmigu Sri Karumariamman Temple Festival at Indira Nagar, E.Pudur, Trichy.

For Petitioner : Mr.T.Senthil Kumar
For Respondents : Mrs.S.Bharathi
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking a direction to the respondents to grant permission and necessary protection to perform the cultural programme vic., Gramiya Kalai Nigalchi on 26.04.2019 and 27.04.2019 in the eve of Arulmigu Sri Karumariamman Temple Festival at Indira Nagar, E.Pudur, Trichy.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.sid) appearing for the respondents.

3. The learned counsel for the petitioner would submit that the Villagers have conducted the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct ***Gramiya Kalai Nigalchi*** on 26.04.2019 and 27.04.2019 in the eve of Arulmigu Sri Karumariamman Temple Festival at Indira Nagar, E.Pudur, Trichy. In this regard, the petitioner gave a representation to the respondents on 16.04.2019. Since no

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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. She further submitted that permission may be granted subject to stringent conditions and the programme may directed to be completed before 10.00 p.m.

5. Considering the facts and circumstances of the case, this Court grants permission to conduct ***Gramiya Kalai Nigalchi*** on 26.04.2019 and 27.04.2019 between 07.00 p.m., and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / The Inspector of Police, Edamalaipatti Pudhur Police Station, Trichy. is directed to consider the representation of the petitioner, dated 16.04.2019 and to give permission and to provide police protection for Gramiya Kalai Nigalchi, in the eve of Arulmigu Sri Karumariamman Temple Festival at Indira Nagar, E.Pudur, Trichy. scheduled to be held on 26.04.2019 and 27.04.2019 subject to the following conditions:-

*(**a**) **Gramiya Kalai Nigalchi** done* in the eve of Arulmigu Sri Karumariamman Temple Festival at Indira Nagar, E.Pudur, Trichy. *scheduled to be held on 26.04.2019 and 27.04.2019 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.*

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*(**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 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. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

CM

To,

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

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

1CC TO MR. T. SENTHIL KUMAR, ADVOCATE SR 61918

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23/04/2019
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