



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

W.P. [MD] .No.9680 of 2019

WEB COPY

R.Paramasivam

: Petitioner

Vs.

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

2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to grant permission and protection to conduct the Innisai Kalai Nigalchi on 25.04.2019 at 6.00 p.m to 10.00 p.m in pursuant to the Chithirai Festival of Sri Valladikara Swamy Ezhaikathamman Temple was in Ayyampatti, Chinnamanur Circule, Theni District.

For Petitioner : Mr.V.Chandrapandi

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction to the respondents herein to grant permission and protection to conduct the Innisai Kalai Nigalchi on 25.04.2019 at 6.00 p.m to 10.00 p.m in pursuant to the Chithirai Festival of Sri Valladikara Swamy Ezhaikathamman Temple in Ayyampatti, Chinnamanur Circle, Theni District.

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 **Innisai Kalai Nigalchi** on 25.04.2019 in pursuant to the Chithirai Festival of Sri Valladikara Swamy Ezhaikathamman Temple in Ayyampatti, Chinnamanur Circle, Theni District.. In this regard, the petitioner gave a representation to the respondents on 19.04.2019. Since no action has been taken, the present writ petition has been filed.

<https://hcservices.courts.gov.in/hcservices>

4. The learned Government Advocate (Crl. Side) appearing for



the respondents, on instructions, would submit that no representation is pending before the respondents seeking permission.

5. The learned counsel for the petitioner denied the same.

6. Without getting into the blame game, this Court now directs the petitioner to file a fresh representation forthwith whereupon the second respondent shall grant permission by imposing some conditions.

7. The learned Government Advocate (Crl. side) would further submit that in case of granting permission stringent conditions may be imposed and the programme may be directed to be completed before 10.00 p.m.

8. Accordingly, the Writ Petition is disposed of with the following directions:

The second respondent / The Inspector of Police, Chinnamanur Police Station, Theni District., is directed to consider the representation to be given by the petitioner and pass orders on the same on or before 24.04.2019 and to give permission and to provide police protection for conducting **Innisai Kalai Nigalchi** on 25.04.2019 in pursuant to the Chithirai Festival of Sri Valladikara Swamy Ezhaikathamman Temple in Ayyampatti, Chinnamanur Circle, Theni District. subject to the following conditions:-

(a) **Innisai Kalai Nigalchi** done in pursuant to the Chithirai Festival of Sri Valladikara Swamy Ezhaikathamman Temple in Ayyampatti, Chinnamanur Circle, Theni District, on 25.04.2019 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.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

9. 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)

To,

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

2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

+1cc to Mr.V.Chandrapandi,Advocate, SR.No.61945

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SP/23.04.2019/3P/4C