



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

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THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 9939 of 2019

P.Kamatchi

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Supramaniyapuram,
Trichy District.

2. The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to grant permission and protection for Dulasi Mahanadu Thuvakudi Arulmigu Sree Selva Vinayagar Kovil at Thuvakudi Village, Trichy District and for the "Karakaattam" programme on the night on 26.04.2019.

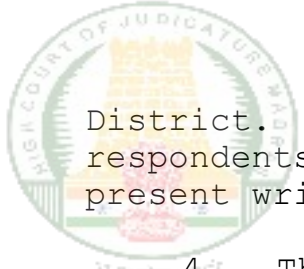
For Petitioner : Mr.A.Senthil Kumar
For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition has been filed to grant permission and protection for conducting "Karakaattam" programme in Dulasi Mahanadu Thuvakudi Arulmigu Sree Selva Vinayagar Kovil at Thuvakudi Village, Trichy District on the night of 26.04.2019.

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

3. The learned counsel appearing 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 the Karagattam, scheduled to be held on 26.04.2019, at night in Dulasi Mahanadu Thuvakudi Arulmigu Sree Selva Vinayagar Kovil at Thuvakudi Village, Trichy



District. In this regard, the petitioner gave representation to the respondents on 22.04.2019. Since no 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.

5. Considering the facts and circumstances of the case, this Court grants permission to conduct the **Karagattam** scheduled to be held on **26.04.2019** in **Dulasi Mahanadu Thuvakudi Arulmigu Sree Selva Vinayagar Kovil at Thuvakudi Village, Trichy District** and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Thuvakudi Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 22.04.2019 and to give permission and to provide police protection for the Karagattam, scheduled to be held on 26.04.2019, before 12.00 p.m., in Dulasi Mahanadu Thuvakudi Arulmigu Sree Selva Vinayagar Kovil at Thuvakudi Village, Trichy District, subject to the following conditions:-

(a) programme I.e., Karagattam, done in Dulasi Mahanadu Thuvakudi Arulmigu Sree Selva Vinayagar Kovil at Thuvakudi Village, Trichy District, scheduled to be held on 26.04.2019, 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) No donation shall be received from any political party or in the name of any Member associated with any political party.

(g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(h) 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

(1) Similarly, the police is directed to stop the programme, if it is conducted beyond the permitted time limit.

(j) 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 III)

vs

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Supramaniyapuram, Trichy District.

2.The Inspector of Police,
Thuvakudi Police Station, Trichy District.

1 CC to M/s.A.SENTHIL KUMAR, Advocate (SR-62635[F]) dated
25/04/2019)

W.P.(MD)No.9939 of 2019

DS/ /SAR- (26.04.2019) 3P 4C