



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.9941 of 2019

Maharajan

... Petitioner

Vs.

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

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

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to directing the respondent to grant permission and protection for cultural event namely 'Pattimandram' scheduled to be held on 20/05/2019 at night 10.00pm to 01.00am in connection with the "Kodai Vizha" in Arulmigu Sri Muthalamman Thirukovil at Nambithalaivanpattayam village, Nanguneri taluk, Tirunelveli District by considering the petitioner's representation dated 12.04.2019.

For Petitioner : Mr.K.V.Rajarajan

For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition has been filed to grant permission and protection for conducting 'Pattimandram' scheduled to be held on 20.05.2019 at night 10.00pm to 01.00am in connection with the "Kodai Vizha" in Arulmigu Sri Muthalamman Thirukovil at Nambithalaivanpattayam village, Nanguneri taluk, Tirunelveli District by considering the petitioner's representation dated 12.04.2019.

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 a 'Pattimandram', scheduled to be held on 20.05.2019, at night in connection with the "Kodai Vizha" in Arulmigu Sri Muthalamman Thirukovil at Nambithalaivanpattayam village, Nanguneri Taluk, Tirunelveli District. In this regard, the petitioner gave representation to the respondents on 12.04.2019. 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 Pattimandram scheduled to be held on 20.05.2019 in connection with the "Kodai Vizha" in Arulmigu Sri Muthalamman Thirukovil at Nambithalaivanpattayam village, Nanguneri Taluk, Tirunelveli District and the Writ Petition is disposed of with the following directions:

*The second respondent / Inspector of Police, Thirukurungudi Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 12.04.2019 and to give permission and to provide police protection for the Pattimandram, **scheduled to be held on 20.05.2019, before 12.00 p.m.,** in connection with the "Kodai Vizha" in Arulmigu Sri Muthalamman Thirukovil at Nambithalaivanpattayam village, Nanguneri taluk, Tirunelveli District, subject to the following conditions:-*

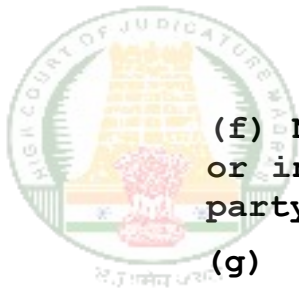
(a) programme I.e., **pattimandram**, done in connection with the "Kodai Vizha" in Arulmigu Sri Muthalamman Thirukovil at Nambithalaivanpattayam village, Nanguneri Taluk, Tirunelveli District, scheduled to be held on **20.05.2019**, should be completed before 11.00 p.m.

(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

(i) 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 (CS-III)

/ True Copy /

Sub Assistant Registrar (CS)

vs

To

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

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

+1 CC to M/s. S. SATHYA CHIDAMBARAM, Advocate
(SR-62616[F] dated 25/04/2019)

W.P. (MD) No. 9941 of 2019