



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.17869 of 2019

Sakthivel

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to give permission with protection to conduct the cultural function Aadal - Padal at Moolaikadu Muthu Naadar Kudiyiruppu Public Stage in connection with the temple Festival of Arulmigu Sree Othanppanai Sudalai Malaianddavar Temple, Muthu Nadar Kudiyiruppu, Moolaikadu, Radhapuram Taluk, Tirunelveli District, scheduled on 30.08.2019 based on the petitioner's representation dated 06.08.2019.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This Writ Petition has been filed seeking direction to the second respondent to consider the petitioner's application for conducting cultural function-Aadal Padal in Moolaikadu Muthu Naadar Kudiyiruppu Public Stage in connection with the temple Festival of Arulmigu Sree Othanppanai Sudalai Malaianddavar Temple, Muthu Nadar Kudiyiruppu, Moolaikadu, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 30.08.2019.



2. According to the petitioner, every year, the villagers are conducting festival in the above said village. During the festival, they are conducting some cultural program, this year also they seek permission to conduct the program. But the application has not been considered so far, hence, the present Writ Petition has been filed.

3. Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the second respondent, on instructions, submitted that, already the petitioner's application was considered and rejected by the second respondent Police on the ground that there is a likelihood of law and order problem and produced the copy of the order.

4. On perusal of the order passed by the second respondent, it is seen that the petitioner's request was rejected only on the ground that the festival has been conducted by the particular community people. During the temple festival, due to the presence of various other community people, there is likelihood of law and order problem.

5. Today, the second respondent / the Sub Inspector of Police, Radhapuram Police Station, Tirunelveli District, is present before this court and submitted that there is no communal violence in that area. He further submitted that if permission is granted, there is likelihood of law and order problem, since several community people are participating in the festival,

6. The learned counsel appearing for the petitioner submitted that the villagers are conducting the festival for long time. Till date, there was no law and order problem in that area. He further submitted that all the community people are jointly conducting the festival.

7. Considering the fact that all the villagers are jointly conducting the festival in the aforesaid temple and conducting Aadal Padal dance program every year, so far, no untoward incident has been taken place. Now only on apprehension that there is a likelihood of law and order problem in the festival, the order has been passed and no specific allegations of communal violence in that area.

8. In the above circumstances, the petitioner is directed to file a fresh representation seeking permission to conduct the Aadal Padal program on 30.08.2019 and on receipt of such application, the second respondent is directed to consider the same and grant permission, by imposing necessary conditions, in order to maintain law and order. It is made clear that if any such violence is occurred, the organizers of the program will be made liable for the



8.This Writ Petition stands disposed of accordingly. No costs.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Sub Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-82091[F] dated 16/08/2019

Order made in
W.P. (MD) No.17869 of 2019
Dated:16.08.2019

Tsg

JMN(26.08.2019) 3P : 5C