



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.20297 of 2019

G.Gurusamy Pandian

... Petitioner

Vs.

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

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

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to grant permission and protection for conducting Samakodai Festival to be held on 27.09.2019 to 05.10.2019 (Viz.,) Kabaadi Tournament on 27.09.2019 midnight 12.00 hrs. to 28.09.2019 after 12.00 p.m., cultural programmes on 30.09.2019, Palkudam, Poochatti, Thiruveethi Ula, religious festival on 01.10.2019, Pattimandram on 02.10.2019 from 7.00 p.m. to 10.00 p.m., Innisai Katchery to 7.00 p.m. to 10.00 p.m. on 03.10.2019, Mulaipari festival and Thirumanjal Neerattu vizha on 04.10.2019 and Arusuvai Annathanam on 05.10.2019 in the eve of temple festival of Sri Mariamman Temple, Subramaniapuram Village, Sivagiri Taluk, Tirunelveli District.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 2nd respondent to grant permission and protection for conducting Samakodai Festival to be held on 27.09.2019 to 05.10.2019 (Viz.,) Kabaadi Tournament on 27.09.2019 midnight 12.00 hrs. to 28.09.2019 after 12.00 p.m., cultural programmes on 30.09.2019, Palkudam, Poochatti, Thiruveethi Ula, religious festival on 01.10.2019, Pattimandram on 02.10.2019 from 7.00 p.m. to 10.00 p.m., Innisai Katchery to 7.00 p.m. to 10.00 p.m.



on 03.10.2019, Mulaipari festival and Thirumanjal Neerattu vizha on 04.10.2019 and Arusuvai Annathanam on 05.10.2019 in the eve of temple festival of Sri Mariamman Temple, Subramaniapuram Village, Sivagiri Taluk, Tirunelveli District.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. In an identical matter, a Division Bench of this Court in an order passed in W.P.(MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District], had granted permission to the petitioner to conduct cultural programme on certain conditions. The said conditions read as follows:

"a) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

c) The dance performance shall be restricted between 6.00 p.m. and 11.00 p.m.

d) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner"

4. This Court is of the view that similar conditions may also be imposed in the present writ petition. Consequently, the second respondent is directed to grant permission to the petitioner for conducting cultural programme scheduled to be held on 30.09.2019 upto 10.00 p.m. in connection with the temple festival of Sri Mariamman Temple, Subramaniapuram Village, Sivagiri Taluk, Tirunelveli District, subject to the aforesaid conditions.

5. Similarly, the respondents police are directed to grant permission for conducting the Kabadi tournament from 27.09.2019 to 28.09.2019, by enclosing the following conditions:

i) the " Kabadi Tournament" scheduled to be held on 27.09.2019 to 28.09.2019 should be completed before 11.00 p.m.

<https://hcservices.ecourts.gov.in/hcservices> These petitioner and other participants shall not



shout, raise any slogan for or against any party or party leader, any caste, community or creed;

iii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;

iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue;

v) The participants of "Kabadi" tournament shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance; vi) Songs praising communal leader or having communal overtones should not be played;

vii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed;

viii) There should not be any Flex Boards representing any community or political leaders;

ix) If there is any 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;

x) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time;

xi) the participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

xii) If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;

xiii) The Referee must be authorized person from the District Association; and

xiv) The second respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity, so as to maintain law and order and communal harmony.

6. The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the



7.In respect of other things, the second respondent shall put any restrictions or impose necessary conditions in order to maintain law and order in the locality.

8.With the above said directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

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

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-88672[F] dated 23/09/2019)

W.P. (MD) No.20297 of 2019
20.09.2019

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JMN(24.09.2019) 4P : 5C