



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P. (MD).No.21017 of 2019

K.Ayyan Ganesamoorthy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tirunelveli District.

2.The Sub Inspector of Police,
Sernthamaram Police Station,
Sernthamaram, Kadayanallur Taluk,
Tirunelveli District.

3.The Tahsildar,
Kadayanallur Taluk,
Tirunelvelil District.

4.A.Ramakrishnan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, to direct the respondents 1 to 3 herein to accord permission to conduct the Purattasi festival of Arulmighu Shri Vadakasi Amman Thirukkivil situated at Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District from 08.10.2019 to 16.10.2019, by considering the petitioner's representation dated 26.08.2019 and in the light of the order passed by this Court in W.P.(MD)No.20275 of 2018, dated 09.10.2018 and W.P. (MD)Nos.3403 of 2019 and 2924 of 2019, dated 15.02.2019 and consequently, direct the second respondent to provide adequate police protection.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

For R1 to R3 : Mr.R.Anandharaj
Additional Public Prosecutor



ORDER

The Writ Petition has been filed to direct the respondents 1 to 3 herein to accord permission to conduct the Purattasi festival of Arulmighu Shri Vadakasi Amman Thirukkivil situated at Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District from 08.10.2019 to 16.10.2019, by considering the petitioner's representation dated 26.08.2019 and in the light of the order passed by this Court in W.P.(MD)No.20275 of 2018, dated 09.10.2018 and W.P.(MD)Nos.3403 of 2019 and 2924 of 2019, dated 15.02.2019 and consequently, direct the second respondent to provide adequate police protection.

2.The learned Additional Public Prosecutor would submit that the second respondent has considered the representation of the petitioner after conducting enquiry. The second respondent is ready to grant permission to conduct the Purattasi festival of Arulmighu Shri Vadakasi Amman Thirukkivil situated at Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District from 08.10.2019 to 16.10.2019. They are objecting only in respect of time, the petitioner seeks conduct festival till 01.00.am, instead of they are ready to permit the petitioner for conducting festival upto 10.30.p.m.

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 Orchestra Program shall be restricted between 8.00 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 Writ Petition Stands allowed. The second respondent is directed to grant permission to the writ petitioner to conduct temple festival from 08.10.2019 to 16.10.2019 upto 10.30.p.m at Arulmighu Shri Vadakasi



Amman Thirukkivil situated at Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District subject to the aforesaid conditions. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

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// True Copy //

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tirunelveli District.

2.The Sub Inspector of Police,
Sernthamaram Police Station,
Sernthamaram, Kadayanallur Taluk,
Tirunelveli District.

3.The Tahsildar,
Kadayanallur Taluk,
Tirunelvelil District.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-90386[F] dated 30/09/2019)

W.P. (MD) .No.21017 of 2019
30.09.2019

das

MS/03.10.2019/3P.5C