



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.11.2019

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD)No.23140 of 2019

Arumuga Rajan

.. Petitioner

Vs.

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

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus directing the second respondent to permit the petitioner to conduct Villupattu program during Kodai Festival in Kundal Sri Mutharamman Thirukovil, Keela Uvari Village, Thisaiyanvilai Taluk, Tirunelveli District, from 04.11.2019 to 07.11.2019, at about 09.00 pm to 12.00 pm and provide adequate police protection.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.R.Anandaraj
Additional Public Prosecutor

ORDER

This Writ Petition is filed by the petitioner seeking a Writ of Mandamus directing the second respondent to permit them to conduct Villupattu Program during the Kodai Festival in Kundal Sri Mutharamman Thirukovil, Keera Uvari Village, Thisaiyanvilai Taluk, Tirunelveli District, from 04.11.2019 to 07.11.2019 at about 09.00 pm to 12.00 pm and provide adequate police protection by considering his representation dated 31.10.2019.

2. According to the petitioner, he is the President of the Village Festival Committee and during the Kodai Festival, it was decided by the villagers to perform several poojas and celebrations from 04.11.2019 to 07.11.2019. They have also organised Villupattu program during the festival and seeking permission for the program, they have made a representation as early as on 25.10.2019 and on



31.10.2019. Since no proper response is forthcoming from the respondent Police, they have approached this Court.

3. Per contra, the learned Additional Public Prosecutor, on instructions from the respondent Police, would submit that the representation dated 31.10.2019 was received by the respondent Police only on 01.11.2019, through Post and neither the petitioner nor any of his representatives has appeared before the Police seeking permission as required in this petition. Moreover, the learned Additional Public Prosecutor has expressed the difficulty in providing adequate police security during the odd night hours, by avoiding the night rounds of the police.

4. At this juncture, the learned Counsel for the petitioner intervened and submitted that they are restricting their prayer and would perform the Villupattu function from 07.00 pm to 10.00 pm and also undertook to pay the necessary charges, if any, required for providing protection by the respondent Police.

5. The Director General of Police, Tamil Nadu, vide proceedings in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019, has issued a Circular, prescribing certain conditions for cultural programmes, sports events, procession / meeting, and for better appreciation, the relevant portion regarding cultural programmes is extracted hereunder:

"I.For Cultural Programmes (Including Aadal Paadal Programme, Music events, Mimicry show):

i) The Organisers shall have to make an application for permission with all the details such as name, address and other particulars of the Organisers and Performers, 15 days prior to the date of the proposed event.

ii) The Organisers shall have to give undertaking before the authority concerned that there will not be any obscenity or vulgarity or any act, word or gesture insulting the modest of women or children in the cultural programme and there will not be any disturbance to the public peace and tranquillity.

iii) Further they should assure that there will not be any words, either spoken or written or by signs or by visible representations or otherwise or promotes or attempts to promote, on the grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities. Further, there should not be any act or word or gesture by bringing the Government into contempt or hatred or creating disaffection against the Government.

<https://hcservices.ecourts.gov.in/hcservices> authority concerned shall dispose of the



application within a week from the date of receipt of such application.

v) In case of rejection of application for any ground, the applicant shall be afforded with an opportunity of hearing in person before such order of rejection. The authority should pass a speaking order explaining the grounds of rejection.

vi) In case of permission to conduct the programme, the following conditions shall be imposed:-

1. The "Aadal Paadal" Programme in connection with festival or any cultural programme, SHO should specify the time and the same shall not be later than 10.00 pm.

2. Double meaning songs should not be played so as to spoil the minds of students and the youth.

3. No songs, touching upon any party or religion, community or caste to be played.

4. Organisers shall not erect any digital banners / placards on either side of the arterial roads, platforms, walkways / major roads and any other roads.

5. The function should not affect caste, religious or communal harmony and shall be conducted without any discrimination.

6. 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.

7. Similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time.

8. The participants of the programme shall not consume any kind of intoxicating substance or liquor during the programme.

9. If any untoward incident takes place, the organisers of the programme be made responsible for the same.

10. The authority concerned shall videograph the entire programme at the cost of the applicant and submit the C.D. to the S.P. Concerned.

11. Organisers shall have to obtain all other required permission from the authorities concerned.

12. Any other conditions as the authority concerned consider to impose according to the ground reality.

vii) If any violations of the above conditions by any of the parties connected with the programme, appropriate criminal action should be taken against them in accordance with law."

6. In view of the undertaking given by the petitioner to



is allowed, with a direction to the second respondent Police to grant permission, in accordance with the directions issued by the Director General of Police, Tamil Nadu, in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019. No costs.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

gk

To

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

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-95825[F] dated 04/11/2019)

W.P. (MD) No.23140 of 2019
04.11.2019

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