



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

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THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

W.P. (MD)No.24777 of 2019

A.Ramasamy Nadar

... Petitioner

-vs-

1.The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli District.

2.N.Loganathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, to call for the records of the first respondent by his impugned proceedings dated 31.10.2019 and quash the same and consequently direct the first respondent to grant permission and protection to conduct Kodai Festival from 27.01.2020 to 29.01.2020 in Arulmigu Sri Muppidathi Amman Thirukovil, Aathiyadi Valaivu Street, Brammadesam Village, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.P.P.Alwin Balan

For R1 : Mrs.S.Bharathi
Government Advocate (Crl. side)

For R2 : Mr.S.Ramakrishnan

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the first respondent in his proceedings dated 31.10.2019 and consequently seeking a direction to the first respondent to grant permission and protection to conduct Kodai Festival from 27.01.2020 to 29.01.2020 in Arulmigu Sri Muppidathi Amman Thirukovil, Aathiyadi Valaivu Street, Brammadesam Village, Ambasamudram Taluk, Tirunelveli District.

2.When the matter is taken up for hearing, the learned Government Advocate (Crl. side) appearing for the first respondent would submit that there are rival claimants in the village relating to the dispute regarding the administration of the temple and apprehending that it will create law and order problem, the first respondent has rejected the permission to conduct Kodai Festival.



3.The learned counsel for the petitioner would submit that Arulmigu Sri Muppudathi Amman Thirukovil is situated at Aathiyadi Valaiyu Street, Brammadesam Village, Ambasamudram Taluk, Tirunelveli District and that the said temple belongs to the community of the petitioner and that the Kodai festival of the temple is being conducted every year by collecting contribution from the members belonging to his community alone. He would further submit that the temple festival had been conducted all these years in a grand manner peacefully, without any disturbance to anyone, with the permission of the respondents. While so, as usual, the petitioner and his men decided to celebrate the temple festival this year also from 27.01.2020 to 29.01.2020 in a grand manner and that the petitioner had given a representation, dated 31.10.2019 seeking permission to conduct Kodai Festival, whereas the respondents stating that there is likelihood of disturbance to law and order, had rejected the representation on 31.10.2019. Challenging the same, the present writ petition has been filed.

4.Today, when the matter is taken up for hearing, the learned counsel for the petitioner and the learned counsel for the second respondent would submit that they have no objection in conducting temple festival in a joint manner and that they are ready to abide by any conditions imposed by the respondent police for conducting festival in a peaceful manner.

5.The learned counsel appearing for the petitioner would submit that on an earlier occasion, the petitioner approached this Court seeking permission to conduct the Kodai festival and that this Court, by an order dated 11.01.2019, had permitted them to conduct the festival by imposing certain conditions. He would further submit that the petitioner is prepared to abide by the same conditions and the petitioner is also prepared to abide by any other conditions or restrictions to be imposed by the respondent police.

6.The learned Government Advocate (Crl. side) would further submit that the Deputy Superintendent of Police has issued a direction to the concerned police station to grant permission.

7.Taking into consideration the submission of both the parties, this Court is of the opinion that permission may be granted subject to imposition of reasonable conditions and thereby, the impugned order dated 31.10.2019 rejecting permission is liable to be set aside. Accordingly, this impugned order is set aside. In view of the same, the respondent police are directed to grant permission for conducting the Kodai festival, by enclosing the following conditions:

<https://hcservices.ecourts.gov.in/hcservices/>



The first respondent/Inspector of Police, Ambasamudram Police Station, Ambasamudram, Tirunelveli District. is directed to provide police protection for "kodai Festival" in Arulmigu Sri Muppudathi Amman Thirukovil at Aathiyadi Valaivu Street, Brammadesam Village, Ambasamudram Taluk, Tirunelveli District scheduled to be held from 27.01.2020 to 29.01.2020, subject to the following conditions:-

(a) the "Kodai Festival" in connection with Arulmigu Sri Muppudathi Amman Thirukovil at Aathiyadi Valaivu Street, Brammadesam Village, Ambasamudram Taluk, Tirunelveli District scheduled to be held from 27.01.2020 to 29.01.2020, should be completed before 10.00 p.m. or as may be permitted by the respondent police.

(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) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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

(h) Similarly, the police is directed to stop the dance programme, if it is conducted beyond the permitted time limit.



(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

8. It is open to the first respondent police to impose any further restrictions or conditions purely in the interest of preserving public order and tranquility. The petitioner as well as the second respondent shall appear before the respondent police and give necessary undertaking required by the respondent police to conduct the festival in a peaceful manner.

With this directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli District.

+ 1CC TO MR.P.P.ALWIN BALAN, ADVOCATE, SR NO.105831

W.P. (MD) No.24777 of 2019

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