



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

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THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

W.P. (MD) No.1844 of 2020

Mariappan

... Petitioner

Vs.

1.The Superintendent of Police
Tenkasi District Tenkasi.

2.The Inspector of Police
Atchanpudur Police Station,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the respondents to grant permission for Sendamelam on 04-02-2020 at about 10.00 a.m to 01.00 p.m in connection with the palkudam Eduthu Radhaveethi Ula Varuthal, again 05.00 p.m. to 09.00 p.m. Theesatti Eduthu Radhaveethi Ula Varuthal and midnight 01.00 hours Sapparam Radhaveethi Ula Varuthal in Arulmigu sri Muppadaathi Amman Kovil Thai Festival situated at Vadakarai, Tenkasi District based on the petitioner's representation dated 26-12-2019.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mrs.S.Bharathi

Government Advocate(crl.side)

ORDER

This writ petition has been filed to direct the respondents to grant permission for Sendamelam on 04.02.2020 at about 10.00 a.m to 01.00 p.m in connection with the Palkudam Eduthu Radhaveethi Ula Varuthal, again 05.00 p.m. to 09.00 p.m. Theesatti Eduthu Radhaveethi Ula Varuthal and midnight 01.00 hours Sapparam Radhaveethi Ula Varuthal in Arulmigu Sri Muppadaathi Amman Kovil Thai Festival situated at Vadakarai, Tenkasi District, based on the petitioner's representation dated 26.12.2019.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.



3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that they have no objection in granting permission, but, in the guise of conducting Radhaveethi Ula, the petitioner shall not disturb persons belonging to the other community and other religions and that the respondents shall take into consideration the ground situation, will restrict the time period for conducting Radhaveethi Ula. She would further submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019 dated 09.04.2019 has issued circular to Commissioner of Police, Superintendent of Police and all the Station Housing Officer and directed them to follow the procedure and instruct the petitioner seeking permission to conduct cultural programs viz., Sendamelam, to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent police.

4. The respondents police are directed to grant permission for conducting the cultural programme (ie.,) Sendamelam on 04.02.2020 at about 10.00 a.m to 01.00 p.m in connection with the Palkudam Eduthu Radhaveethi Ula Varuthal, again 05.00 p.m. to 09.00 p.m. Theesatti Eduthu Radhaveethi Ula Varuthal and midnight 01.00 hours Sapparam Radhaveethi Ula Varuthal in Arulmigu Sri Muppadaathi Amman Kovil Thai Festival situated at Vadakarai, Tenkasi District, by enclosing the following conditions:

(a) *The Sendamelam in connection with the Palkudam Eduthu Radhaveethi Ula Varuthal, Theesatti Eduthu Radhaveethi Ula Varuthal, Sapparam Radhaveethi Ula Varuthal festival or any cultural programme should be completed within the time specified by the SHO.*

(b) *The noise level during beating of Sendamelam should not be above the prescribed noise levels and it should not create noise pollution;*

(c) *no songs, touching upon any political party or religion, community or caste be played;*

(d) *Organizers shall not erect any digital banners/pla cards on either side of the arterial roads, platforms, walkways/major roads and any other roads*

(e) *the function should not affect caste, religious or communal harmony and shall be conducted without any discrimination*

(f) *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;*

(g) *similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;*



(h) if any untoward incident takes place, the organizers of the programme be made responsible for the same

(i) the authority concerned shall videograph the entire programme at the cost of the applicant and submit the CD to the S.P concerned.

(j) Organizers shall have to obtain all other required permission from the authorities concerned

(k) Any other conditions as the authority concerned consider to impose according to the ground reality".

5. The petitioner is also directed to ensure that the conditions are strictly complied with and they will not create any noise pollution disturbing the persons belonging to other community and religions and also to ensure that no law and order problem is created in the course of conducting the festival.

6. The writ petition stands disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police
Kanyakumari District,
Nagercoil.

2.The Inspector of Police
Kottar Police Station,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3945[F] dated 30/01/2020)

W.P. (MD) No.1844 of 2020
30.01.2020

Ls

SDS (31.01.2020) 3P-4C